THE
Law Military;
OR A
Methodical Collection
Of all the
Laws and Statutes
Relating to the
Armies and Soldiery
OF
GREAT BRITAIN:

And alſo to the NAVY-ROYAL, Cruiſers, Convoys, Privateers, *&c.* under proper Heads, down to this Time.

With an Introduction to the Art of WAR, both in the Camp and the Siege: Articles for the better Government of the *Britiſh* Forces by Land and Sea, *&c.* and the Statutes concerning *Greenwich* Hoſpital.

The Whole contained in TWO PARTS.

In the *SAVOY*:
Printed by *Eliz. Nutt* and *R. Goſling* (Aſſigns of *Edw. Sayer*, Eſq;) for *B. Lintot* at the *Croſs-Keys* between the *Temple-Gates* in *Fleetſtreet*. 1719.

To the Honourable Lieutenant Colonel *Alexander Jacob*, of my Lord *Hinchinbroke*'s Regiment of Foot:

SIR,

THAT it is the greateſt Reputation as well as the greateſt Security to Princes and Potentates, to confer Military Employments on Perſonages of diſtinguiſh'd Abilities, noted Fidelity, Courage and Conduct, I preſume no Body can deny.

Theſe great and valuable Qualities have been all conſulted in Your Promotion. You have been admitted into a Poſt of Truſt and Honour, with the higheſt Applauſe and Approbation: And it is owing to Commanders of Your Magnanimity, that our *Britiſh* Forces have rais'd their

Fame to a Superiority over all other Nations.

A Spirit truly Heroick calls you its Owner; a generous Diſpoſition conducts Your Actions; and Your other Qualifications are no leſs Eminent, by the Influence and Example of a Nobleman, (nearly Allied to You) an Honour to his Country: And in a bare mentioning the Earl of *Carnarvon*, I name every Thing Great, Noble, and worthy Imitation.

I have nothing farther, but to acquaint you that this ſmall Treatiſe contains all the *Laws Military*, from the earlieſt of Times; and I hope by a candid Conſtruction it will be favourably received, from,

SIR,

Your moſt humble and moſt obedient Servant.

G. J.

THE

THE PREFACE.

THE late Declaration of War with Spain, giving a proper Season and Opportunity for publishing a small Trea-

tiſe of the Laws Military *of* Great Britain, *I adventured to compile the following Sheets; not only that the Honourable the Members of the Houſe of Commons, on Peruſal of all the Statutes relating to the* Britiſh *Armies together, may the better judge of what Clauſes may be neceſſary to be revived, and continued in the preſent Conjuncture, but that the Gentlemen of the Army and Navy, may ſee the whole Body of what has been tranſ-*

tranſacted in Parliament, with Relation to them, from the earlieſt Date, down to this Fifth Year of King GEORGE.

Though many of the Statutes I have touched upon concerning the Land-Forces, were of little longer Duration than one Year, there being almoſt an annual Act paſſed as well for puniſhing Mutiny and Deſertion, as for better regulating the Forces of Great Britain *in*

all

all Reſpects, yet the Laws from Time to Time made, (beſides the Maritime Ordinances,) occaſioned by the Exigency of Times, and Circumſtances of the Nation, contain ſo great a Variety, that the Labour I have taken in collecting and methodizing them, I eſteem well beſtowed, to preſent them all in one View to the Publick, whatever Conſtructions ſome Perſons in the World may put upon my ſmall Undertaking.

Some

Some of the Acts of Parliament I have taken Notice of a little out of the Order of Time, for their better Arrangement in Method: And the whole Summary of the Laws of War, as I have digested them, will, I hope, be acceptable to all Military Gentlemen, both in the Land and Sea-Service; others whose Inclinations lead them to the Banners of Mars, *(and which are not a few) the Officers belonging to the Navy-Royal; Mer-*

Merchants with Reſpect to Privateers; and all Perſons who would willingly peruſe all the Proceedings of the **Britiſh** *Parliament on any one Head, relating to the Honour and Welfare of their Country.*

That this Treatiſe might be the more uſeful, I have attempted an Introduction to the Art of War, from the greateſt Writers on the Subject; and as the ſame only concerns the Management

of

of Armies in general, (it being impossible for any Pen even of the most experienced Commander, to treat of all Cases that may occur when so many strange and unexpected Accidents perpetually wait upon the Camp,) so I cannot think any Officer of the best Judgment will esteem it a Presumption.

And since the Sons of Bellona, *have sometimes ventur'd to commence Authors, though with greater Danger*

to

to their Reputations, than the Hazards of War to their Persons; I know no Reason why an Author should not for once, without Offence, assume the Cockade.

INTRO-

INTRODUCTION.

TO THE

Art of WAR, &c.

TO pass by Observations on the Discipline of Forces, which is a Subject fit only for a Soldier to handle, and too minute for my Notice; I shall first in my Introduction, treat of the Marches and Encampment of an Army.

An Army is by no Means to march late in the Country of an Enemy, the Hazard of an Ambush and unexpected

Attacks, eſpecially if a Commander has not the beſt of Intelligence, renders it oftentimes in the higheſt Degree perilous: Neither will it, with a cautious General, be eſteemed ſecure entirely to rely on one Guide, for the conducting of an Army through any unacquainted Paſſes; it is ſafeſt to have ſeveral, for fear of being betrayed, whereby Deſigns of that Nature may the more eaſily be detected, and the Conſequences prevented.

On the Approach of the Evening, it is highly neceſſary to make an Encampment at the firſt and neareſt Place in any Sort convenient, without the leaſt Regard to the not arriving at your Place deſigned, unleſs there be an extraordinary Exigency to require a Continuance of the March at all Hazards; and when there is an inevitable Neceſſity for it, the greateſt Care imaginable muſt be taken, that ſuch Expedition be not fatal; and with the beſt Conduct, great Advantages will accrue to a vigilant Enemy.

The

The Front of an Army ought always to extend as far as is possible in a Champion Country, that the Infantry may not be too far behind, and be the readier to form in Battalia, if the same should be necessary on any Attack from the Neighbourhood; and the Waggons and Baggage, for their better Safeguard and Protection, are to go in the middle of the Foot: And if regular Troops on their Marches, are to pass narrow Lanes or Enclosures, which are sometimes very destructive by concealing armed Forces, they ought to enforce the utmost Expedition, but with great Regularity, so as instantly to spread and range in a Posture of Defence as soon as they arrive at the End of the Covert.

In this Case, and indeed at all Times, it is the Business of the commanding Officer, to order Parties of Horse before the Body of the Army, not only to facilitate the Discovery of Ambuscades, but to gain Intelligence of the Designs of the Enemy, their

Situation, *&c.* And when an Army is obliged, on any Enterprize of Action, or for ſecuring a Retreat, to croſs a River where there is no Convenience of a Bridge, or Accommodation of Boats; if the ſame be fordable, it will not be amiſs to place the Horſe a-croſs above and below, to preſerve the Foot in their Paſſage from the Violence of the Stream; who upon their Arrival on the Shore, are likewiſe to form in Battalia ready for Engagement, if the Enemy is near.

The Battalions and Squadrons of an Army ought not to be too large; by their being ſmall they are the more capable of ſpreading in the Front, and more eaſy to be reduced to command: The Quarter-Maſters are to go before the Army to mark out the Ground for the Camp, that the wearied Soldiers may without Confuſion, retire to their reſpective Tents of Refreſhment: In this neceſſary Care for the Welfare of an Army, no General ever exceeded Earl *Cadogan*, whoſe other Excellencies

cies are too numerous to be inſerted in this Treatiſe; but as his Lordſhip is particularly famous for this, ſo is the renowned Imperial General, Prince *Eugene*, Brother both as a Commander, as in Conduct and Bravery, to our glorious Duke of *Marlborough*, deſervedly extolled for his active and advantageous Marches.

The Attendants on the Army are likewiſe to be commanded to proceed before, ſuch as Carpenters and Pioneers, *&c.* Theſe are of the utmoſt Uſe in repairing of Bridges, Ways, *&c.* which are defective, particularly where a ſpeedy March is requiſite. And when you advance ſo far as to pitch your Camp, make Choice of a dry healthy Situation, near to ſome navigable River not uſed to overflow, that Proviſions may be obtained without Difficulty, and at an eaſy Purchaſe; all which is to be firſt conſidered before the Encampment of an Army.

For theſe Reaſons the Seat of War is generally in a fertile Country, otherwiſe an Army cannot be ſupported, it being impoſſible the moſt hardy Soldier can perform his Duty with that Life and Activity, and indeed Strength, without a competent Subſiſtence: And our *Engliſh* Troops are remarkable for this, that when they are well fed, there is no Danger they will not meet, Difficulty ſurmount, or Expedition they will not execute in Purſuit of Honour, and the Plunder of the Field.

But to return to my Subject, a Camp is to be kept perfectly clean from all Kinds of Filth, and Scavengers are to be appointed for a daily carrying out and burying every Thing that may be a Nuſance, or cauſe the leaſt Infection of Diſeaſes, which are very fatal in Camps, pitched in an unhealthy Country, or where they are not under the beſt Oeconomy. But all Camps are naturally more healthy for quartering of

Soldiers

Soldiers than Villages, if tollerable Care be taken in their Management.

Some Diſtance is to be left between the Camp and the Lines, that if the Enemy ſhould attempt to force them, the advanced Guard, conſiſting of ſome of the beſt Horſe, may repel offenſive Detachments, and drive them back to their Poſts: And Care is to be taken that no Hill or Wood be near your Camp to ſhelter the Enemy, or give them any Opportunity to view your Situation and your Strength: But if the Country be ſo uneven, that it is impoſſible to avoid one or other of thoſe Inconveniences, in the firſt Caſe plant ſome of your Cannon to ſcour the Hill; and it may be Prudence to conceal theſe Ordnance till you have an Opportunity of diſcharging them; and againſt the Woods keep advanced Guards continually in Arms Night and Day.

In the Wars ſome Years ſince between the late King of *France* and the Emperor of *Germany*, Marſhal *Turin* the *French* Generaliſſimo, who had

the Reputation of the fineſt Gentleman, the braveſt Commander, and moſt generous Enemy of his Time, advancing to an Eminence of Ground for the more commodious View of the Army of the Imperial General, the famous *Montecuculi*, was unfortunately killed by a Cannon-Ball from the Enemy's Camp; and moſt commonly the greateſt Generals run the greateſt Hazards upon theſe Occaſions, as they are frequently fond of taking Inſpections of this Nature themſelves, and not intirely to depend on the Informations of others.

On the Death of the *French* General, the Army of that Nation was defeated; and one of the Officers under Marſhal *Turin*, expecting to merit the Favour of the *German* Commander, deſerted his Camp to be the Meſſenger of the News of the Fall of his Maſter: But *Montecuculi* had too much Honour and Generoſity to reward ſuch an Errant of a perfidious Deſerter, and inſtead of countenancing him, ordered him to Confinement for his Breach

Breach of Fidelity, and bringing him the unwelcome Account of the Death of ſo great a Man, and whoſe ſad Fate, though he was an Enemy, had ſuch an Effect upon his Brother General, that he was obſerved to drop ſome Tears upon the Occaſion.

As a Security for bringing in Proviſions to a Camp, the ſame is to be ſurrounded with Redoubts, erected within Muſket-Shot of each other, ſufficient to hold a Company of Soldiers, who are to be conſtantly on the Guard, and Intrenchments are to be made about ſix Foot high; and this intrenching within Lines, is a very great Security to an inferior Force: By this Means a ſmall Army may reſiſt a large one, (if the Lines are ſtrong) and thereby a Field-Battel be avoided, without expoſing a Country to be over-run by the Enemy.

For it is no way conſiſtent with Conduct in a General, to penetrate into an Enemy's Country, ſo far as to leave an Army or Fortreſs behind him, for fear of ſudden Attacks and

Sallies, which may be attended with the moſt pernicious and deſtructive Conſequences in ſome Conjunctures; This has been very demonſtrable in the Caſe of the King of *Sweden*, at the Battel of *Pultowa* with the *Muſcovites*, where his Retreat was rendered impracticable. And though the Conduct of the Duke of *Marlborough* was condemned by ſome unthinking Perſons, for not making farther Incurſions into the Territories of the *French* King in the late War; yet his Prudence is highly to be commended by his conſtant Safety and frequent Victories which otherwiſe muſt have been rendered precarious.

An Army is to be equally put on Duty, and regularly relieved, that there may be no Grumbling or Mutiny. The Bores of Muskets are to be all of one Size, that the Bullets being the ſame, they may exactly fit each Piece, and not create Delay and Confuſion in the Time of Action. The Cannon are to fire their Chain-Shot athwart the Enemy, and not oppo-

ſite

ſite the Front, for thereby greater Execution will be done, by Reaſon of the Shallowneſs of the Files.

Generals ought well to conſider the Ground before they are drawn to Battel, and greater Care is to be taken in Choice of a Situation for Fighting than Encamping: It is very proper if your Army be good, to pitch Battle with a River or Moors behind your Infantry, to prevent an Attack in the Front and Rear at one and the ſame Time; beſides by this Means, Retiring being more hazardous, the Men will behave with more Courage, and be more deſperate in their Defence, than in any other Situation, which would give them an Opportunity of taking to their Heels on any Diſorder or Confuſion.

But if you have no natural Security for your Rear, place Detachments there of the moſt able Musketteers, with Bayonets in the Muzzles of their Pieces, to oppoſe the Enemy's Cavalry, till the Horſe can face about to relieve them. And if the

Cavalry

Cavalry of the Enemy be ſuperior in Number, avoid, if poſſible, fighting on Plains; make Choice of Incloſures if it be in your Power; and if not, place your Grenadiers with their long Muskets and Bayonets in the Front, and let other Foot fire between them, and in that Manner make a Stand to relieve the Horſe.

Horſe are to be four deep, and Foot three, when they join in Battel; and the leſs the Army is, the more ought the Wings to ſpread, and the files to be the ſhallower. Succeſſors are to be named by the General, of Commanders, at the Head of the Army, to avoid Confuſion and Diſputes during the Engagement: Several Gentlemen acquainted with all the Officers, are to attend the General, to carry with the utmoſt Expedition, his immediate Orders in Time of Battel; and all Generals are to ſee their Orders duly and ſtrictly put in Execution, otherwiſe Authority will be contemptible, and Miſ-

chiefs

chiefs ſucceed, which may occaſion the Overthrow of an Army.

Dragoons are ſometimes placed on Foot before the Cavalry, having large Pieces loaden with many Piſtol-Balls; when the two Armies are near, theſe will make a very great Slaughter; and our *Engliſh* Dragoons are very little inferiour to the beſt Horſe in the *French* Service, even in many Inſtances, they they have engaged the *Gens d'Arms* of *France*, and come off victorious with equal Numbers.

Nor are our Foot leſs to be commended; for by their Strength and Activity, animated with true Courage and Reſolution, they are no ſooner entered upon Action, but they frequently break in upon the Enemy, and with their Muskets after they have received the Enemies Fire, beat down all before them, and ſometimes they make an unmerciful Deſtruction for the Sake of Plunder. The Character of the *Engliſh* in Battel is, That they begin cooly, and ſeemingly diſhearten'd; but when they have received ſome Firings from the Enemy, they ruſh upon

upon them like an irresistible Torrent which overturns every Thing, and fire in the very Faces of their Foes; which gave occasion to an arch Soldier to say, That Razors were needless in a Camp, since they got rid of their Beards by the Musket's Fire.

The *French* and many other Nations begin with Fury, but soon flag; a Characteristick, the Reverse to the *English*; and they are earlier fatigued and suffocated: But a *Britain*, like a Salamander, will live in Fire and Smoak without Disorder; and whether he conquers or is conquered, will immediately shake Hands with his contending Foes, when the Fate of the Battel is decided, and he is once cooled from Action: This is likewise a Principle contrary to most other Nations.

The *English* are so renowned for War, that the *French* do us the Honour to report we will not be beaten; and the famous General *Luxenburgh* gave his Grand Monarch the Compliment of putting the Laurels of the

World

World on his Brows, with the Assistance of twenty thousand chosen *British* Troops: Thus are the *Britains* justly celebrated for their Valour by Land; and our Forces at Sea, as they have ever had the Preference to all others in the World, so have they been always Victors, and maintained the Honour of the Empire of the Ocean. But to quit this Digression, and pursue my Maxims of War.

Generals when there is most Danger, ought to be boldest and animate their Forces, by planting the Ensigns in the Front, and using all possible Means to make a Show of superior Strength; by this the Enemy will be affrighted, and have no Suspicion of Weakness or Discouragement, which is always with the utmost Care to be concealed: And on any Disorder or Retreat, it is the Business of the chief General to rally his Forces himself, as his Example inspires them with new Life and Courage: But herein a Commander ought not to expose himself too much

much to the Fire of the Enemy, as did the gallant King of *Sweden* in his late Battel with the *Danes* before *Frederickſhall*; for the Fall of a Commander in Chief, generally ends with Slaughter, a precipitate Flight, and an intire Rout of an Army.

A General is throughly to concert how and in what Manner to ſecure an honourable Retreat, in Caſe he is obliged to give Way to the Enemy; and though he has the greateſt Proſpect of Succeſs, his Prudence and Precaution ought to be ſo prevalent, that he may not neglect this Part of his Duty; ſometimes the greateſt Battels have been loſt by ſmall unforeſeen Accidents. And as an Army well paid and provided with Victuals ſeldom fails of Victory, if the Commanders are brave and true, ſo that General as has moſt Reſerves to rally afreſh on a Defeat, or make Uſe of on any Default or Miſconduct of the Enemy, always ſhares the Glory of the Day.

After

After the Battel is over, the General takes a Liſt of the Kill'd and Wounded, orders the Dead to be interred, and the Wounds of the others to be dreſſed by the Surgeons of the Army, whoſe Buſineſs it is during the Action to exerciſe their Skill towards effecting their Cure. The General is likewiſe to make a Liſt of thoſe Perſons who behaved well or ill, in order to the Promotion of the former, and the Puniſhment of the latter, and to keep under ſtrict Guard his Priſoners.

A General ought to have great Courage and Pre ence of Mind; to be in all Things truly honourable, ſcorning little baſe Actions and Advantages: To his Friends mild, and to his Enemies terrible. And the beſt Intelligence is the beſt Security for his Army, as is a ſedate Temper in Time of Action. So much for the Camp, I ſhall now proceed to ſome few Obſervations relating to Sieges, Garriſons, *&c.* which conclude

clude my Introduction, or ſmall Sketch of the *Art Military*.

A Garriſon is to be ſtrictly kept; the Governor to give his Directions every Day, give out the Word, *&c.* to receive the Keys at Night, and deliver them out in the Morning.

His Deputy is to take Care that the Guards do their Duty, and particularly that the nightly Watch perform their Buſineſſes, with that Vigilance and Care as they ought; frequently to examine the Condition of the Ordnance, and to draw the Charges, *&c.*

In Time of a Siege or Bombardment, the Perſons of the Town no way uſeful in its Defence, as Merchants, trading Perſons, *&c.* uſually retire to Vaults under Ground, or the ſtrongeſt Holds, not only for their greater Security againſt Bombs and other Miſchiefs of War; but likewiſe to make Room for the Soldiery, to defend themſelves and make Excurſions.

But

But in all Sallies the beſieged ought to take the greateſt Care, not to venture too far from their Walls, for fear of being encompaſſed by the Enemy, and thereby their Retreat if not rendered impoſſible, yet very much impeded. And ſome Generals have permitted the Front of their Armies to give Way on ſuch Occaſions, on purpoſe to encourage the Enemy to exceed the Limits of Safety, and then by Detachments, have worked their Deſtruction.

If the Enemy ſhould fire any Houſes, the Soldiers are to be kept to their reſpective Stations; that they may not buſy themſelves in the Hurry of the Fire, whereby their Duty will be neglected, and in the mean Time the Enemy have the Advantage of an Attack.

A Governor ought not to ſurrender till the laſt Extremity; and in Strictneſs, never to capitulate but on honourable Terms.

THE

THE
Law Military.

PART I.

OF THE
Laws and Statutes
Relating to the
Armies of *Great Britain*, &c.

AS a good and eaſy Method is of the greateſt Uſe in the Buſineſs of Authorſhip; ſo I ſhall divide this ſmall Treatiſe into ſeveral Heads, for a more regular

regular Communication of what I have to obſerve to the Publick; and the Heads or Branches concerning our Land Forces, (my Province in this firſt Part of my *Law Military*) I propoſe to treat of and purſue, are as follow:

1. *Raiſing and recruiting of Soldiers.*
2. *Marching and quartering of an Army.*
3. *Muſtering of Forces.*
4. *Deſertion from the Army, Mutiny,* &c.
5. *Of Courts Martial, for trying of Offenders.*
6. *The Officers Power, Duty,* &c.
7. *The Authority and Command of Generals.* And firſt,

Of the Methods for raiſing of Soldiers, and recruiting the Army.

I Do not find what particular Encouragements have been given in ancient Times for the liſting of Soldiers; but in the Reign of King *William*

liam, and I take it in ſome other preceding Reigns, the advance Money uſually paid was 20*s.* a Man.

By Statute 2 *&* 3 and 3 *&* 4 *Anne*, For the better recruiting the Forces during the Wars, it was enacted, That three Juſtices of the Peace (not having any Military Office) ſhall have Power to ſend Warrants to Conſtables, to bring before them ſuch able bodied Men in their Diviſions, which had not any Vote for electing Members of Parliament, or lawful Imployments, or viſible Means for their Maintenance and Livelihood.

The Perſons ſo brought before the Juſtices, were to be delivered to ſome of the King's Officers appointed to raiſe Men in that County, who were to attend the Juſtices for that Purpoſe; and ſuch Officers to pay out of the Levy-Money to every Man 20*s.* and to the Conſtable who ſhall bring them 10*s.* for each Man; and if any Perſon liſt himſelf voluntarily, he ſhall be paid 40*s.*

Then

Then the Articles of War are to be read, the Juſtices being preſent; and the three Juſtices to make a Certificate under their Hands and Seals, of the Names of the Perſons raiſed and delivered over to the Officer; and that the Articles of War were read in their Preſence; and after the Articles of War are read over, ſuch Perſons ſhall be eſteemed liſted Soldiers; and if they run away, ſhall be puniſhed accordingly, though they refuſe to receive the advance Money, the ſame being tendered them.

Theſe were the Methods for raiſing Recruits in the beginning of the late War with *France*; and by the Statute 7 *Ann. c.* 12. it is enacted, That every Perſon who ſhall liſt himſelf at the General Meeting of Commiſſioners appointed by this Act, ſhall by a Warrant from three of them, receive out of the Land-Tax-Money, the Sum of 4 *l.* And the Commiſſioners ſhall cauſe ſuch Volunteers to be delivered to proper Officers, *&c.*

who after three Years Service, may demand a Diſcharge.

The Commiſſioners at their Meetings to iſſue out Warrants to Conſtables and Headboroughs, to ſearch for able-bodied Men not following any lawful Employment, or having ſome other ſufficient Support and Maintenance, and to bring them before them; and the Conſtables, *&c.* may do this without any Warrant; Whereupon if the Commiſſioners upon Examination of the Perſons, ſhall judge them fit for Service, they ſhall cauſe them to be delivered by ſuch Pariſh-Officer, to the Officers of the Army; and the Commiſſioners ſhall order 20*s.* for every Man, and 6*d. per* Day for keeping, to be paid the Pariſh-Officer out of the Land-Tax. No Bailiff's Follower or Aſſiſtant ſhall be deemed to exerciſe a Calling or Imployment.

The Inhabitants of every Town are to be aſſiſting; and the Commiſſioners, for their Encouragement, may iſſue out a Warrant for Payment out

of the Land-Tax Money, 3 *l.* to the Churchwardens and Overſeers of the Poor of the Pariſh, for the Uſe of the Poor there, for every Man that ſhall be raiſed and delivered to the Officers, *&c.*

Three Commiſſioners may ſet a Fine on any Pariſh-Officer neglecting his Duty in the Execution of any Warrant, not exceeding 20 *l.* And Perſons wilfully doing any Thing whereby the Execution of the Act ſhall be hindered, to forfeit not exceeding 10 *l.* And two Juſtices of Peace have Power to inquire into and determine the ſame, levy Penalties, *&c.*

The Soldiers are to be able-bodied Men; and if for the Land-Service, not to be under the Stature of five Foot five Inches. When a ſufficient Number of Recruits are raiſed, the Queen by Proclamation may ſtop the farther Execution of the Act. And no Execution ſhall be had againſt the Body of a Soldier, though a Plaintiff may proceed to Judgment and Outlawry.

The

The Statute of 8 *Annæ* enacts, That he who liſts himſelf voluntarily, ſhall not be taken out of the Service by any Proceſs, other than for criminal Matters. But by 9 *Annæ*, If any Arreſt or Action is brought for a juſt Debt, not under 20 *l.* againſt one liſted as a Volunteer, he ſhall be ſent beyond-ſea to ſerve as a Soldier, and continue in the Service abroad, or he ſhall have no Protection as a Soldier, but any Creditor may proceed againſt him.

By the Statutes 7 & 8 *W.* 3. and 1 *Annæ*, Where poor Priſoners who were not worth 10 *l.* were diſcharged from their Impriſonment, if under forty Years of Age, they were voluntarily to liſt themſelves Soldiers, during the War with *France*, or procure able Perſons ſo to do in their ſteads. And the Statute 5 & 6 *W.* & *M.* enacts, That no Perſon ſhall be eſteemed a liſted Soldier, or be ſubject to Pains and Penalties for his Behaviour as a Soldier, that ſhall not have been brought before a Juſtice of Peace, not being an Officer in the

Army, or chief Magiſtrate of ſome City or Town-Corporate, or High Conſtable or Petty Conſtable in the Hundred or Diviſion where he ſhall be liſted; and before ſuch Juſtice, Magiſtrate, or Conſtable, declare his free Conſent to be liſted as a Soldier.

By 12 *Ann.* enacted, That if any Subject of the Crown of *Great Britain*, ſhall within this Kingdom or *Ireland*, or without, liſt himſelf or procure any Subject to liſt himſelf, with an Intent to go beyond-ſea to ſerve any foreign Prince, State, *&c.* as a Soldier, without Licence from her Majeſty, to ſuffer and forfeit as in Caſes of High Treaſon: And Offences committed out of the Realm, to be tried in any County of *Great Britain.*

The 10 *W.* 3. and 12 *Ann.* were made for diſbanding the Armies; and by the former, all the Forces in *England* were diſcharged, except ſeven thouſand Men, conſiſting only of his Majeſty's natural born Subjects, which were reſerved as a ſtanding Army in the

the Time of Peace, Officers exerciſing any Authority over their Soldiers, after they are disbanded, to incur the Penalties of a *Præmunire*. And the Statute 12 *Ann.* enacts, That all Officers and Soldiers, who have been imployed in the Queen's Service, and have not deſerted, and who have formerly uſed any Trade, or were Apprentices, or any other Soldier skilled to practiſe any Trade, may ſet up the ſame in any Town or Place within the Counties where they were born, the Apprentices as if they had ſerved their full Times: But no Officer or Soldier ſhall have the Benefit of this Act, who doth not prove his Service, by producing a Certificate under the Hand and Seal of ſome Field-Officer, or two Commiſſion Officers of the Regiment where he ſerved, or ſome General Officer of the Army, certifying his Knowledge of the Service, and the Certificate to be proved by one Witneſs; and in Default of ſuch Certificate, Proof is to be made of the Service, by the Oaths of two

credible Witneſſes. And Soldiers diſbanded, (but not Officers) are freed from Arreſts, *&c.* for any Debt owing by them at the Time of liſting, for three Years.

By an ancient Statute, Juſtices of Peace in their Seſſions have Power to charge every Pariſh towards a weekly Relief of maimed Soldiers and Mariners, ſo that no Pariſh pay weekly above 10 *d.* nor any County which conſiſts of above fifty Pariſhes, pay above 6 *d.* one Pariſh with another: And upon Certificates under the Hand and Seal of the Chief Commander, or of a Captain under whom a Soldier ſerved, Treaſurers appointed by this Act, may allow Perſons Relief for their Maintenance until the next Quarter-Seſſions, at which the Juſtices, or the greater Number of them, may order a Penſion to be paid by ſuch Treaſurers Quarterly, till revoked by the ſaid Juſtices: The Penſion or Allowance to one not having been an Officer 10 *l.* an Officer under a a Lieutenant 15 *l.* and a Lieutenant

nant 20 *l. &c.* 43 *Eliz. c.* 3. But I take this to be altered ſince the erecting of *Chelſea-College.*

Of marching and quartering of Soldiers in Great Britain.

WHEN a Regiment or Company of Soldiers are ordered to march, the Officer is to produce the King's Orders to a Juſtice of Peace, and ſuch Juſtice is to iſſue out Orders to Conſtables to provide Carriages: And the Officer is to pay for ſuch Carriages, if it be a Waggon and five Horſes, or four Oxen and two Horſes, 8 *d. per* Mile, and for a Cart and four Horſes 6 *d. per* Mile: But the Officer may not compel Carriages to travel more than one Day, or ſuffer any Soldiers but Sick and Wounded to ride, or oblige Conſtables to provide Saddle Horſes, or force Horſes from the

Owners, under the Penalty of 5 *l.* 4 *& 5 W. & M. c.* 13.

By Statute 10 *Ann.* Juſtices of Peace are to order Conſtables to provide Carriages, when Soldiers are on their March, (upon an Order ſhewn to them by the Quarter-Maſter or other Officer,) and the Officer who by Vertue of the Juſtice's Warrant, demands the Waggon of the Conſtable, muſt pay to him in Hand 1 *s.* for every Mile a Wain ſhall travel with five Horſes, or with ſix Oxen, or with two Horſes and four Oxen; and 9 *d.* for every Mile with four Horſes, and ſo in Proportion.

And by 1 *Geo. c.* 3. all Juſtices (being required by order of his Majeſty or his General) ſhall ſend out Warrants to the Conſtables or Tithingmen of the Liberty through which Soldiers are to march, to make Proviſion of Carriages, and the Officers are to demand the Carriage of ſuch Conſtables, *&c.* and to pay down in Hand 1 *s.* for every Mile any Waggon with five Horſes, *&c.*

ſhall

ſhall travel, and 9 *d. per* Mile for every Cart with four Horſes, *&c. ut ſupra.*

Officers conſtraining any Waggon or Carriage to travel more than one Day's Journey, or ſuffering Soldiers (except ſuch as are ſick,) or Women, to ride in ſuch Waggons, or forcing Saddle-Horſes from Owners, ſhall forfeit the Sum of 5 *l.* and no Waggon is to carry more than twenty hundred Weight.

Conſtables neglecting to excecute Juſtices Warrants for providing of Carriages, or Perſons refuſing to provide Carriages, ſhall forfeit not exceeding 40 *s.* nor under 10 *s.* to the Uſe of the Poor. And where the Allowance by the Officers for Carriages is not ſufficient by Reaſon of bad Roads, *&c.* the Treaſurers of the County are to pay the Conſtables what farther Money is neceſſary, according to Rates made by the Juſtices in Quarter-Seſſions.

If any Officer or Soldiers ſhall on their March or otherwiſe, without Leave, kill any Hare, Pheaſant, Partridge, or other Game, Pidgeon, or any Sort of Fowls, Poultry, or Fiſh, upon Complaint made on Oath by one Witneſs before one Juſtice, ſuch Officer ſhall forfeit 5 *l.* to be diſtributed amongſt the Poor of the Pariſh; and every commanding Officer ſhall pay for his Soldier ſo offending 20 *s.* for every Offence, and if not paid in two Days, ſuch Officer ſhall forfeit his Commiſſion.

One or more Juſtices of the Peace, upon Complaint made, have Power to regulate Quarters of Soldiers when they come into any Town, and to relieve Perſons having more quarter'd on them than they ought: But no Soldiers may be quartered upon any Perſons without their Conſent. Statute 31 *Car.* 2.

By 4 *&* 5 *W. & M.* Conſtables, Tithingmen, Headboroughs, and other Chief Magiſtrates of Cities, Towns, and Villages, are to quarter and billet

let Officers and Soldiers in Inns, Livery-Stables, Alehouſes, Victualling-Houſes, *&c.* but in no private Houſes. Nor ſhall more Billets be ordered, than there are effective Soldiers preſent to be quartered.

If any Magiſtrate ſhall billet any Officer or Soldier in any private Houſe, without Conſent of the Occupier, ſuch Occupier ſhall have his Remedy at Law to recover Damages. If any Military Officer ſhall take upon him to quarter Soldiers, otherwiſe than is by this Act directed, or ſhall uſe Compulſion, or menace any Civil Officers, to deter them from their Duty, ſuch Officer ſhall be caſhiered and diſabled to enjoy any Military Preferment.

And if any Officer Civil or Military, ſhall quarter the Wives, Children, or Maid-ſervants, of Officers or Soldiers in any Houſe againſt the Owner's Conſent, the Offender, if an Officer of the Army, upon Proof made to the Commander in Chief, or Judge-Advocate, ſhall be caſhiered; and

and if he be a Civil Officer, he ſhall forfeit 20 *s.* to the Party grieved, upon Proof made before the next Juſtice of the Peace.

Officers and Soldiers billeted as above, ſhall allow ſuch reaſonable Prices, as ſhall be appointed by the Juſtices of the Peace in their Quarter-Seſſions; and the Juſtices are requir'd to ſet Rates for Proviſions, for one or more Night in their marching, and for the firſt Night, only in Places appointed for their Reſidence.

And by this Act, and 1 *Geo. c.* 3. the Pay of Soldiers in their Quarters *per Diem*, is not to exceed, for a Commiſſion Officer of Horſe, under the Degree of a Captain, for Diet, Small-beer, Hay, and Straw 2 *s. per* Day; for ſuch Officer of Dragoons 1 *s.* 6 *d.* a Commiſſion Officer of Foot 1 *s.* Light-Horſemen for Diet, Small-beer, Hay, *&c.* 1 *s.* Dragoon 9 *d.* Foot-Soldier, Diet, and Small-beer 4 *d.*

Every

Every Officer commanding in Chief, ſhall within twenty-four Hours after his coming into Quarters, make Publication by ſound of Trumpet, or Beat of Drum, in the Market-place, or other publick Place, how much ſhall be allowed every Soldier, to be truſted above his Allowance for Diet, *&c.* And that no Shopkeeper ſhall truſt any private Soldier for Goods, *&c.* and the Officer omitting to make ſuch Publication, ſhall be liable to pay the Debts contracted. 8 *&* 9 *W.* 3.

Officer refuſing to pay what is ordered by Juſtices, the Innkeeper, *&c.* is to make up an Account, and prove the ſame by Oath of two Witneſſes, at the next Seſſions; whereupon the Juſtices ſhall certify the Sum due to the Paymaſter, who is to pay the ſame out of the Arrears of the Officer, or he ſhall loſe his Place, and the Officer ſhall be caſhier'd.

Conſtables, *&c.* of *Weſtminſter* may billet the Officers and Soldiers of the Foot-Guards, in ſuch Houſes only as by the Acts are directed, in and about the

the Liberties of *Weſtminſter*. 10 *Ann. c.* 10. And by the 1 *Geo.* Conſtables, *&c.* and Chief Officers and Magiſtrates of Towns, are to billet and quarter Officers and Soldiers on Perſons keeping Inns, Livery-Stables, Alehouſes, Victualling-houſes, and Perſons ſelling Brandy, Strong-waters, Cyder, or Metheglin by Retail in their Houſes, (except Diſtillers and Shopkeepers,) and not in private Houſes; and if an Officer ſhall quarter Soldiers otherwiſe, being thereof convicted by the Oaths of two Witneſſes before two Juſtices, he ſhall be caſhiered.

Officers quartering Wives, *&c.* on Perſons without their Conſent, to be caſhiered. And for taking Money of any Perſon for excuſing the qnartering of Soldiers, Officers ſhall be likewiſe caſhiered.

No Perſon ſhall be allowed to be abſent from his Quarters for above twenty Days in ſix Months, by any Furlow from an Officer, unleſs ſigned by the Commander in Chief; the Officer

Officer ſigning a Furlow for a longer Time, ſhall be liable to all the Debts the Soldier ſhall owe, not exceeding 100 *l.* and the Soldier abſenting, ſhall be taken as a Vagabond, and ſent to the head Quarters of his Regiment. No private Centinel ſhall have a Protection by being a Soldier in any Regiment quartered in, or within five Miles of *London*, unleſs he perſonally and conſtantly do his Duty, or be excuſed by his Officer, by a Writing ſignifying the Cauſe of his Abſence; and if any Officer ſhall make a falſe Certificate of the Cauſe of Excuſe, for a Perſon omitting his Duty in his Turn, he ſhall forfeit 20 *l.* Stat. 10 *Annæ.*

Perſons inhabiting at *Epſom*, *&c.* where Medicinal Waters are, which receive Perſons for their Healths, or keep their Horſes, ſell Ale, Beer, *&c.* to ſuch Perſons only, ſhall be excuſed from quartering Soldiers.

Of muſtering of Forces.

THE Statute 4 & 5 *Ph. & M.* *c.* 3. enacts, That if a Perſon commanded by a Muſter-maſter to muſter, ſhall abſent, not having a lawful Excuſe: or if he come, and be not provided with his beſt Arms, he is to be committed for ten Days without Bail, unleſs he agrees to the Payment of 40 *s.* Fine to the King. And any Perſon authorized to muſter or levy Soldiers, taking a Reward to diſcharge or ſpare any from the Service, forfeits ten Times as much.

By 4 & 5 *W.* & M. If any ſhall make or procure to be made falſe Certificates, to excuſe Soldiers for Abſence from any Muſter, they ſhall forfeit 50 *l.* and be caſhiered and diſabled to hold any Military Imployment.

Officers

Officers making falſe Muſters, and Commiſſaries, Muſter-maſters, and other Officers, allowing the Muſter-Roll, wherein ſuch falſe Muſter is contained, or a Duplicate thereof, upon Proof by two Witneſſes before a Court-Martial, ſhall be caſhiered, diſabled to hold any Civil or Military Office or Imployment, and forfeit 100 *l.*

Commiſſaries and Muſter-maſters, upon any Muſter to be made, ſhall by a convenient Time before, give Notice to the Chief Magiſtrate of the Place, where the Soldiers ſhall be quartered, who are to be preſent at ſuch Muſters, and aſſiſt in the Diſcovery of any falſe Muſter. Commiſſaries and Muſter-maſters neglecting to give ſuch Notice, or refuſing the Aſſiſtance of ſuch Chief Magiſtrate, ſhall forfeit 50 *l.* and be diſcharged from their Offices.

Perſons falſly muſtered, or offering themſelves to be ſo, upon Proof thereof made by two Witneſſes before the next Juſtice of Peace, or upon Certi-

Certificate under the Hand of the Commiſſary of the Muſter, or Chief Magiſtrate, made to ſuch Juſtice, ſhall be committed to the Houſe of Correction for ten Days, and have one of his Ears cut off by the Gaoler or Keeper thereof. And if any Perſon lend a Horſe to be muſtered, not belonging to the Troop, ſuch Horſe ſhall be forfeited to the Informer, if it appears that it belongs to the Perſon lending; if not, the Lender ſhall forfeit 20 *l.*

The commanding Officer of every Troop or Company at Muſters, is to bring a Certificate of the Names of ſuch as are ſick, or have Leave to be abſent, of ſuch as are dead or deſerted ſince the laſt Muſter; and if ſuch Certificate prove falſe, or if any Officer ſhall Muſter one who is Servant to, or in pay under another Officer, or any Perſon by a wrong Name knowingly, he ſhall ſuffer the Penalties inflicted for falſe Muſters.

Com-

Commiſſaries are not to muſter any Forces within *Weſtminſter* or *Southwark*, or the Liberties thereof, but in the Preſence of two Juſtices of Peace, not being Officers in the Army, under the aforementioned Penalties. And if any Juſtice of Peace in *London*, *Weſtminſter*, or the Liberties thereof, or *Southwark*, ſhall upon Requeſt made, neglect or refuſe to be preſent at any Muſter to be made by Vertue of this Act, he ſhall forfeit 5 *l.* Stat. 6 *&* 7 *W.* 3.

By the Statute 7 *Ann. c.* 4. Perſons falſly muſtered, on Proof as aforeſaid, ſhall not only be committed to the Houſe of Correction for ten Days, *&c.* as aforeſaid; but ſhall from the Time of ſuch falſe Muſter, be deemed liſted Soldiers, and ſhall not be diſcharged, but by a Writing under the Hand of the Colonel.

By the Statutes 1 *&* 3 *Geo.* he who gives, or procures to be made or given, any falſe Certificate to excuſe a Soldier from a Muſter or other Service, forfeits 50 *l.* and ſhall be caſhiered;

caſhiered; and no Certificate ſhall excuſe a Soldier but for Sickneſs, or being imployed in Recruits or Parties; and the Commiſſary of the Muſters, muſt at the Time of the Muſter, ſet down on the Roll the Reaſon of the Abſence of each Soldier.

Officers making falſe Muſters of Man or Horſe, and Commiſſaries, Muſter-maſters, or other Perſons ſigning ſuch Muſter-Rolls, upon Proof on Oath by two Witneſſes, before a Court-Martial, ſhall be caſhiered and forfeit 100 *l.* but fictitious Names allowed by his Majeſty's Order upon the Muſter-Rolls, for Maintenance of Officers Widows, ſhall not be accounted a falſe Muſter.

Muſter-maſters are to give convenient Notice to the Mayor, or other Chief Magiſtrate of the Place, where the Soldiers are quartered, of the Time of muſtering, or they ſhall forfeit 50 *l. ut ſupra.* And no Muſter-Roll ſhall be allowed, unleſs ſigned by the Mayor, *&c.* who is to be preſent on Notice given; but if he

he do not appear, the Commiſſary may proceed to muſter without him, upon Oath made before a Juſtice, of Notice given within forty-eight Hours afterwards, and producing to the Juſtice the Roll to be examined by him, who may in ſuch Caſe ſign it.

All Muſter-maſters are to cloſe their Muſter-Rolls upon the Place, the ſame Day the Muſter is taken, and to return one of the ſaid Rolls in Parchment to the Pay-maſter-General, and another to the Comptroller of the Accompts of the Army, the fourth Day after the Rolls are cloſed, if within twenty Miles of *London*; and if it be at a greater Diſtance by the next Poſt after, on Pain of forfeiting their Places, and the Sum of 20*l.*

The Penalties and Forfeitures of Officers by this Act, are to be paid out of their Arrears, upon Conviction before a Court-Martial, by order to the Pay-maſter; and if there be no Arrears due, then the Officer's Goods ſhall be ſeized and ſold for the Pay-

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ment; And if there be no Goods, he ſhall be committed to Gaol for ſix Months; and a Soldier, being an Informer, beſides having the Forfeiture, ſhall be diſcharged, if he deſires it.

Deſertion from the Army, Mutiny, &c.

THOUGH our ancient Statutes make little or no mention of the Manner of recruiting the Army, quartering of Soldiers, muſtering, *&c.* yet they take particular Notice of Deſertion, as without Laws of Severity in thoſe Caſes, no Military Forces could be kept in due Subjection to the commanding Officers, or be depended upon when their Service ſhall be neceſſary for the Security of the Publick.

The first Act which occurs is the 18 *H.* 6. by which it is made Felony for a Soldier, retained to serve the King in his Wars, not to go with, or depart from his Captain, without Licence. And by 7 *H.* 7. it is Felony for a Soldier to depart from his Colours; and he shall not have Clergy: But Justices of Peace by this Act, had Power to inquire, hear and determine this Offence, which was to be tried in the same County where the Soldier was apprehended.

By 12 *Car.* 2. *c.* 16. Officers and Soldiers, who were under the Command of the Captain-General of the King's Forces, and had not deserted the Service, *&c.* might exercise Trades, *&c.* as by the Acts made by King *William* and Queen *Anne*, on disbanding the Army.

The 4 *&* 5 *W.* *&* *M.* *c.* 13. enacts, That every Person being mustered in Pay as an Officer or Soldier in the Army, who shall join in any Mutiny or Sedition, or desert the Service, shall

ſhall ſuffer Death, or ſuch other Puniſhment as a Court-Martial ſhall inflict; and being a Soldier liſted in any Regiment, Troop or Company, if he liſt himſelf in any other Regiment, *&c.* without a Diſcharge from his Officer, he ſhall undergo the ſame Puniſhment.

If any Perſon ſhall harbour, conceal, or aſſiſt any Deſerter from his Majeſty's Service, knowing him to be ſuch; or ſhall buy, exchange, or otherwiſe receive any Arms, Cloths, *&c.* or other Furniture belonging to the King from any Deſerter, upon any Account whatſoever, the Perſon ſo offending ſhall forfeit for ſuch Offence 5 *l.* one Moiety to the Informer, and the other to the Officer to whom ſuch Deſerter did belong. But if any Perſon proſecuted, ſhall be found Not guilty, he ſhall recover treble Coſts. 7 *&* 8 *W.* 3.

By Statute 7 *Ann. c.* 4. Soldiers duly liſted and afterwards wandering and abſenting themſelves, any Pariſh-Officer may apprehend them, and

bring them before a Juſtice of Peace; and if it apppear by Confeſſion of the Party, or Proof of one Witneſs, or by the Knowledge of the Juſtice, that the ſuſpected Perſon is a liſted Soldier, the Juſtice is to commit him to the County-Gaol, and tranſmit an Account thereof to the War-Office.

A Juſtice of Peace may likewiſe iſſue out a Warrant to the Collectors of the Land-Tax of any Pariſh where a Deſerter ſhall be apprehended, to pay to the Perſon who ſhall take him 20 *s.* for ſuch Apprehenſion.

An Officer or Soldier deſerting beyond-ſea, and returning to *England* or *Ireland*, before he is tried by a Court-Martial, in ſuch Caſe, and if it ſhall happen, that the Regiment or Troop to which he belonged ſhall continue beyond-ſea, then upon Oath thereof made before one Juſtice where ſuch Offender ſhall be taken, the Juſtice may cauſe him to be ſent to the General Court-Martial, who may ſend him to the Regiment to which he

belonged beyond-ſea, there to be proceeded againſt.

A Peer committing Offences beyond-ſea, and not tried by a Court-Martial, but returning into *England*, ſhall be tried by his Peers, being indicted. But Acquittal or Conviction in a Court-Martial ſhall be a full Bar to any Indictment or other Proceedings for the ſame Offence.

By 10 *Ann. c.* 10. for puniſhing Mutiny and Deſertion, *&c.* it is enacted, That if any Soldier ſhall raiſe a Mutiny, or refuſe to obey his ſuperior, or ſhall reſiſt any Officer in the Execution of his Office, or ſtrike, draw, or offer to draw, or lift up any Weapon againſt his Officer, he ſhall ſuffer as a Felon; and being thereof convicted, indicted, or arraigned, and ſtanding mute, or peremptorily challenging above twenty, ſhall ſuffer Death.

The Felony to be tried in the *King's Bench*, or before Commiſſioners aſſigned by her Majeſty: But this Act not to abridge the Power in the

the Crown of making Articles of War, erecting Courts Martial, and inflicting Puniſhments, *&c.* and no Attainder of Felony by this Act, ſhall make any Corruption of Blood, *&c.*

But the Statute of 12 *Ann.* enacts, That every Officer or Soldier in the Army, who ſhall mutiny or deſert, or liſt himſelf in any other Regiment, without a Diſcharge produced in Writing from his Colonel, or from the Field-Officer commanding in Chief, or who ſhall refuſe to obey his ſuperior Officer, or ſhall reſiſt any Officer in the Execution of his Office, or ſtrike, draw, or offer to draw or lift up any Weapon againſt his ſuperior Officer, upon any Pretence whatſoever, ſhall ſuffer ſuch Puniſhment as a Court-Martial ſhall adjudge ſuch Offence to deſerve, not extending to Life or Limb, *&c.*

By Statute 1 *Geo.* If any Perſon ſhall conceal Deſerters, or buy or exchange their Arms, Cloths, *&c.* or change the Colour of their Cloths,

and thereof ſhall be convicted by the Oath of one Witneſs, he ſhall forfeit 5 *l.* to be levied by Diſtreſs on his Goods and Chattels. But no Officer ſhall break open any Houſe to ſearch for a Deſerter, without a Warrant from a Juſtice of Peace; and if he forcibly enter without ſuch Warrant, on due Proof he is liable to a Penalty of 20 *l.*

Marine Regiments when they are on Shore, are liable to Penalties, and Puniſhments, as Land Forces.

Of

Of Courts Martial, for trying of Offenders, &c.

I Come now to the Military Way of trying and determining the Offences of Deſerters, Mutineers, and other Criminals in the Army, by the Laws of War.

The Statute 4 *&* 5 *W. & M.* enacts, That their Majeſties, or the General of their Army, may grant Commiſſions to any Lieutenant-General, or other Officer, or Commander in Chief of a Garriſon, to call and aſſemble Courts Martial. But a Court-Martial which has Power to inflict Puniſhments, is not to conſiſt of fewer than thirteeen Perſons, whereof none to be under the Degree of a Commiſſion-Officer, and the Preſident not

to be under the Degree of a Field-Officer, or the Commander in Chief of the Garriſon, where the Offender ſhall be tried. And by *6 & 7 W.* 3. No Officer of the Regiment belonging to the Preſident of a General Court-Martial, ſhall ſit and vote in any Trial.

Every Officer preſent at Trials of Offenders by the Court-Martial, that may be puniſhed with Death, ſhall take an Oath, well and truly to try and determine according to Evidence, the Matter before them, between the King and the Priſoner. And the Law is ſo favourable for the Criminal, that no Sentence ſhall be given, unleſs nine of thirteen preſent concur: And if there be a greater Number than thirteen preſent, Judgment ſhall paſs by the Concurrence of the greater Part ſworn, ſuch greater Part not being leſs than nine: And no Field-Officer ſhall be tried by any under the Degree of a Captain. The Court-Martial has Power to adminiſter Oaths to Witneſſes, but no Proceedings

ings, Trial, or Sentence of Death ſhall be had or given, but between the Hours of eight in the Morning, and one in the Afternoon.

The Forfeiture of Officers of the Army for falſe Muſters, *&c.* upon Conviction before a Court Martial, by order of the ſaid Court, is to be paid by the Paymaſter out of the Arrears of the Officer; and if there be no Arrears, the Court-Martial ſhall give order to ſeize ſuch Officer's Goods, *&c.*

If any Paymaſter, Clerk, or Agent of a Regiment, Troop, or Company, ſhall for a Month detain the Pay of any Officer or Soldier (Cloths and other Allowances deducted) or if any Officer ſhall refuſe to pay each common Soldier his reſpective Pay, when due, if ſuch Officer ſhall have received it, at the Rate of 17 *s.* 6 *d.* a Week for a Corporal of Light-Horſe, 14 *s.* a Week for a Trumpeter and private Trooper, 8 *s.* 2 *d.* a Week for a Dragoon, 7 *s.* a Week to a Serjeant,

5 *s.* a Week to each Corporal and Drummer, and 4 *s.* a Week to each private Soldier of the two Regiments of Foot-Guards; and 6 *s.* a Week to each Serjeant, 4 *s.* 6 *d.* to each Corporal and Drummer, and 3 *s.* a Week for every Foot-Soldier in the Army; and over and above the ſaid 3 *s.* a Week, at every two Months End to account for 6 *d.* a Week to each Foot-Soldier; upon Proof thereof before a Court-Martial, ſuch Paymaſter, *&c.* ſhall be diſcharged from his Imployment, forfeit 100 *l.* and be diſabled to hold any Civil or Military Office.

By Statute 7 *Ann.* enacted, That the Queen may grant a Commiſſion to a General, or Lieutenant-General, or other Officers, to hold a Court-Martial within the Realm, in which Court any Officer or Soldier, who hath committed a Crime out of the Realm againſt the Laws of War, and was not tried abroad, ſhall and may be tried, *&c.*

Nothing

Nothing in the Act 4 & 5 *W.* & *M.* relating to Courts Martial, ſhall exempt any Officer or Soldier from the Ordinary Proceſs of Law; nor extend to any Matters concerning the Militia Forces of this Kingdom.

Warrants may iſſue to the Lord-Lieutenant of *Ireland* to appoint Courts Martial there, *&c.* 12 *Ann.*

Of the Officers Power, Duty, &c.

BY 18 *H.* 6. no Captain is to detain any Part of his Soldier's Wages, on Pain of forfeiting 20 *l. &c.* but he might detain Moneys for Clothing.

The Statute 7 *H.* 7. enacts, That a Captain which ſhall not have the whole Number of his Soldiers, or not pay them within ſix Days after he ſhall have received Moneys for that Purpoſe, ſhall forfeit all his Goods

and Chattels, and ſuffer Impriſonment. But this Act not to prejudice Officers where their Soldiers die, or otherwiſe depart without any Default of theirs, ſo that they therewith acquaint the Treaſurer at War within ten Days.

A Captain licenſing a Soldier to depart for Advantage, forfeits ten Times the Value of the Thing taken, to be divided between the Queen and Proſecutor, and to be recovered before Juſtices in Seſſions. 4 & 5 *Ph.* & *M. c.* 3.

No Officer Military, &c. ſhall quarter or billet any Soldier upon any Inhabitant of this Realm without his Conſent; and ſuch Inhabitant may refuſe to quarter any Soldier notwithſtanding any Order whatſoever. 31 *Car.* 2.

By the Statute 6 & 7 *W.* 3. *c.* 8. if any Officer ſhall take or knowingly ſuffer to be taken any Money of an Inn keeper, or Publick-Houſe, for excuſing of Quarters or Diet, &c. ſuch Officer upon Complaint and Oath

Oath made before a Juſtice of Peace within five Days after, ſhall be bound in a Recognizance not exceeding 40 *l.* to appear in the King's Bench, there to anſwer ſuch Action as ſhall be brought againſt him for the ſaid Offence; and if Judgment be given for the Plaintiff, he ſhall recover double Damages, and double Coſts, and the Defendant ſhall be caſhiered; but if for the Defendant, the Plaintiff ſhall anſwer the like Coſts.

When Officers receive the Pay of their Regiment, Troop, or Company, they are within four Days to give publick Notice to Inn-keepers, *&c.* and to appoint them to come to their Quarters; and before they diſtribute any Money to the Soldiers, they muſt pay their Quarters. Not giving ſuch Notice, or not paying upon producing the Accompt by the Inn-keeper, *&c.* the Officer to be caſhiered.

But

But where the Officers have not received the Subſiſtance-Money, or on the March when it cannot be remitted to them, they are to make up Accompts with Inn-keepers, *&c.* and give them a Certificate, when it is to be paid by the Pay-maſter of the Guards and Garriſons. 13 *&* 14 *W.* 3. 3 *Geo.*

No Innholder, Victualler or other Perſon, ſhall be obliged to provide Meat or other Victuals, for any Soldiers legally quartered on them, (except in their March only) if they give or tender to each Horſeman 6 *d. per Diem*, for his Subſiſtance in Meat only, and to every Dragoon and Foot Soldier 4 *d. per Diem* for the ſame, beſides Candle and the Uſe of his Fire for dreſſing his Meat, *&c.* 8 *&* 9 *W.* 3.

On the disbanding of the Army, the Colonels of the disbanded Regiments, were to ſtate Accompts with the Captains or their Agents, and pay the Moneys due to the Captains, and their Troops and Companies, within

within ten Days after the Receipt thereof, and the Captains to accompt with, and pay in ten Days their inferiour Officers, private Centinels, *&c.* under the Penalty of double the Sum ſo due from every Colonel, Agent, or Captain. 10 *&* 11 *W.* 3. And no Colonel or other Officer, or Agent ſhall be allowed any *Præmium*, upon Pretence that the Pay had been advanced or lent any Soldier. 6 *&* 7 *W.* 3.

The Paymaſters and Agents of Regiments are to deliver a juſt Accompt to the Executor or Adminiſtrator of any Officer or Soldier deceas'd, of all Money by them received for ſuch Officer or Soldier, and ſhall accompt with them for the ſame, under the like Penalties, and to be recovered in like manner, as appointed for Agents or Colonels not giving true Accompts of the Pay of Officers and Soldiers. For which ſee under the Head *Courts Martial, &c.* Stat 9 *Ann.*

No

No private Soldier liſted, ſhall be diſcharged without the Conſent of the Colonel of the Regiment, or in his Abſence of the Field-Officer commanding, and had in Writing under his Hand and Seal; in which Writing the Cauſe of his Diſcharge ſhall be mentioned, and a Copy tranſmitted to the War-Office. The Officer who diſcharges a Soldier otherwiſe, to be caſhiered, and the Soldier puniſhed as a Deſerter. 7 *Ann. c.* 2.

Every Commiſſion-Officer employed in the Military Service, ſhall before he be muſtered, and his Commiſſion regiſtred, make Oath upon the Evangeliſts, that he hath neither directly or indirectly given or promiſed to give any Sum of Money, Preſent, Gift or Reward to any Perſon or Perſons whatſoever for obtaining his Commiſſion, other than the uſual Fee to the Secretary of State, or the Secretary of the Commander in Chief counter-ſigning ſuch Commiſſion; which Oath the Commiſſary-General,

or

or his Deputy, is required and impowered to adminiſter. 6 & 7 *W.* 3.

And by Statute 7 *Ann.* if any Officer or Soldier, ſhall either upon Land out of *Great Britain*, or at Sea, hold Correſpondence with a Rebel, or Enemy to the Queen, or give them Advice by Letter, *&c.* it is made High Treaſon. And if any Officer, *&c.* ſhall raiſe any Mutiny in the Army, or reſiſt any ſuperior Officer in the Execution of his Office, or ſtrike or draw upon him, he is guilty of Felony. And going beyond-ſea to ſerve any foreign Prince without taking the Oaths, and being licenced, *&c.* is Felony, by 3 *Jac.* 1.

Theſe Treaſons and Felonies ſhall be determined in the Court of King's Bench by a Jury of *Middleſex*, or before Commiſſioners, in any County where the Queen ſhall appoint, by a Jury of that County.

By an Act made in the 9 & 10 of *W.* 3. *Francis Colenbine* and *Ventris Colenbine*, Sons of Colonel *Ventris Colenbine*, *Robert Wroth* Son of Lieu-

tenant-

tenant-Colonel *Wroth, &c.* And all other Perſons who after the beginning of the then late War with *France*, and before the 25th of *March* 1698. were born out of his Majeſty's Dominions, and whoſe Fathers or Mothers were natural born Subjects of this Realm, and actually in the Service of his Majeſty, are declared natural born Subjects of this Kingdom, as if born in *England.*

And they ſhall be able to challenge and enjoy any Lands, Tenements and Hereditaments, and all other Privileges of natural born Subjects, and to make their Pedigree as Heir to their Anceſtors, lineal or collateral; and to have and enjoy Lands, Tenements, and Hereditaments, by Purchaſe or Gift, and to proſecute all manner of Actions, as freely as if they had been born in *England.* But no Perſons ſhall have this Benefit, if in five Years after the Age of fourteen, they neglect to receive the Sacrament, and take the Oaths appointed. 1 *W. & M.*

Officers

Officers not to uſe any Power over Soldiers after they are disbanded, *&c.* See Methods for *Raiſing of Soldiers and recruiting the Army.* And for more of Officers paying Quarters, *&c.* See the Head *Marching and quartering of Soldiers, &c.*

The Authority of Generals, &c.

THE Commiſſions granted by the Crown to General Officers are ſo very extenſive, that there are very few Laws relating to them, and their Conduct.

The 2 *&* 3 *E.* 6. enacts, That if any Lieutenant-General or other Officer, ſhall receive more Wages for Soldiers than there is juſt Cauſe, and do not every Month, in Writing, acquaint the Treaſurer of the Army with every Soldier's Entry into Pay, Death, or Depar-

Departure, he ſhall forfeit 5 *l.* ſuffer one Month's Impriſonment, and be caſhiered.

This is the only ancient Statute I can find relating to Generals; and our modern Acts of Parliament, *viz.* 4 & 5 and 10 & 11 *W.* 3. and 7 *Ann.* impower the General of the Army to grant Commiſſions to a Lieutenant-General, or Field-Officer to aſſemble Courts Martial, *&c.* Field-Officers commanding to give Diſcharges to Soldiers. And Proof of Service, on disbanding, to intitle them to ſet up Trades, *&c.* to be by Certificate under the Hand and Seal of ſome General-Officer, Field-Officer, or two Commiſſion-Officers of the Regiment.

Beſides the Duties of Officers and Soldiers, our Statutes take the beſt Care for preſerving the Health of an Army, without which all Expectations muſt fail; for by 9 *Ann. c.* 9. Surgeons and Apothecaries to Regiments are obliged to fit up their Cheſts of Drugs at the Apothecaries

Hall

Hall, *London*, there to be openly viewed and approved by the Maſter or Wardens, or one of them, with the Phyſician or Surgeon General of the Army, or two or more of the College of Phyſicians, under the Penalty of 40 *l.* for every Cheſt otherwiſe packed up, one Moiety to the Crown, the other to the Informer, to be recovered in the Courts at *Weſtminſter*.

THE

THE
Law Military.

PART II.

OF THE
Laws and Statutes
Concerning the
Navy Royal of *Great-Britain*, Fleets and Ships of War, *Greenwich* Hoſpital, &c.

IN our *Engliſh* Hiſtories, mention is made that the Gallant King *Edward* III. in his Wars with *France*, had a Fleet of Ships before *Calais* ſo numerous, that they amounted

amounted to ſeven hundred Sail; but it does not appear, that we had any Royal Navy in *England*, till the Reign of *Henry* the Eighth, who appointed Commiſſioners, and erected a Navy-Office; at which Time the Command of one of the King's Ships was eſteemed a Poſt worthy the Acceptance of a Man of Quality, though the Men of War in thoſe Days, were very inferior in all Reſpects to what they are now: But of late, ſuch an affected Humour prevails with the Nobility in general, that few of them imitate their glorious Anceſtors, either by Land or Sea, particularly the latter; which oftentimes makes room for Men of obſcure Births, devoted to the Wars, by their induſtrious Application, to graſp the Truncheon of Honour into their Hands, and top the Deſcendants of our moſt ancient Families.

The Right Honourable the Earl of *Berkley*, firſt Commiſſioner of the Admiralty, is the only Nobleman I think at this Time in *England*, a living

Ornament to the Navy-Royal of the Kingdom. His Example in the late Wars, has ſufficiently convinced us of the Courage and Bravery of our *Engliſh* Gentry when they exert themſelves; who are oftentimes as ſuperior in Conduct and Magnanimity to Perſons of mean Extractions, as the Blood in their Veins is more noble and excelling. But to purſue my Subject, *Of the Laws and Statutes relating to the Navy*, and quit all unneceſſary Introductions, I proceed to my Buſineſs in Hand, which I ſhall ſeparate into Heads, agreeable to my Method in the firſt Part of this Treatiſe, *viz.*

1. *Of Fleets at Sea, and Orders relating to their Government.*
2. *Of Cruiſers, Convoys and Privateers, and Prizes taken by them*, &c.
3. *Of regiſtring of Seamen*, Greenwich *Hoſpital*, *Apprentices to the Sea-Service*, &c.
4. *Stores of War*, &c. And firſt,

Of

Of Fleets at Sea, and Orders relating to their Management.

THE Kings of *England* in ancient Times commanded their Fleets in Perſon; and ever ſince the Reign of the renowned King *Arthur*, they have been honoured with the Dominion of the Seas, and Ships of all Nations are to ſalute our Ships of War, by lowering the Top-ſail and ſtriking the Flag, as in like manner they ſhall do the Forts upon Land.

In the Reign of Queen *Elizabeth*, the Navy-Royal of *England* was very flouriſhing, yet I do not find any particular Orders for Government, eſtabliſhed by Act of Parliament, till the 13th Year of King *Charles* the ſecond, which being very particular, I ſhall inſert them.

1. Officers ſhall cauſe the Worſhip of God, according to the Liturgy of the Church of *England*, to be performed in their Ships, and Prayers and Preaching by the Chaplains in Ordinary, and take Care that the Lord's Day be obſerved.

2. They that uſe unlawful Oaths, Curſings, Execrations, Drunkenneſs, or Uncleanneſs, *&c.* ſhall be fined, impriſoned, or otherwiſe puniſhed as the Court-Martial ſhall think fit.

3. If any give Intelligence to Emies, *&c.* without Leave from the King, Admiral, Vice-Admiral or Commander in Chief of any Squadron, they ſhall ſuffer Death.

4. If any Letter or Meſſage come from an Enemy to an inferior Officer, or other Perſon, and he acquaint not his Superior with it in twelve Hours, having Opportunity; or if a ſuperior Officer acquainted or receiving a Letter, *&c.* from ſuch Enemy or Rebel in Perſon, do not in convenient

Time reveal it to the Admiral, Vice-Admiral, or Commander of the Squadron, ſuch Perſon ſhall ſuffer Death, or ſuch Impriſonment as a Court-Martial ſhall direct.

5. Relieving an Enemy or Rebel, ſhall be puniſhed with Death, or as a Court-Martial ſhall think fit.

6. All Writings found aboard any Prize, ſhall be ſent up entirely to the Court of Admiralty, or Commiſſioners appointed for that Purpoſe, on Pain of Loſs of the Takers Shares, and ſuch farther Puniſhment as a Court-Martial ſhall inflict.

7. None ſhall take any Goods out of any Ship ſeized as Prize, till Judgment in the Admiralty, on Pain of ſuch Puniſhment as a Court-Martial or Court of Admiralty ſhall impoſe; except Goods upon and above the Gun-Deck, other than Arms, Ammunition, Tackle, Furniture, and Stores.

8. None ſhall ſteal and imbezil any of the Ship's Furniture, or Ammunition, on Pain of Death.

9. If

9. If a Ship taken as Prize make no Reſiſtance, none of the Captains, Maſters, or Mariners being Foreigners, ſhall be evil treated, on Pain of double Damages.

10. Commanders, who upon a Proſpect of Engagement, do not put Things in a Poſture for Fight, and incourage their Men, ſhall be caſhiered: And if they yield or crave Quarter, they ſhall ſuffer Death, or ſuch Puniſhment as the Offence deſerves.

11. All Perſons ſhall obſerve the Commands of the Admiral, or other their Superiors, on Pain of Death.

12. Officers and others that in Time of Fight, do not their utmoſt to endamage the Enemy, Pirate, or Rebel, and to relieve the King's Ships, ſhall ſuffer Death, or ſuch other Puniſhment as a Court-Martial ſhall inflict.

13. Captains, *&c.* appointed for Convoy, that ſhall not defend the Ships in their Convoy, or that ſhall exact Money from them belong-

ing to Subjects, ſhall make Reparation as the Court of Admiralty ſhall judge, and ſuffer Death, or ſuch other Puniſhment as the Court-Martial, *&c.*

14. Whoever ſhall forbear to purſue an Enemy, Pirate, or Rebel flying or beaten, or to relieve a known Friend in View, ſhall ſuffer Death, or as a Court-Martial, *&c.*

15. None ſhall put backward, or diſcourage Service and Action commanded, on any Pretence of Wages, upon Pain of Death.

16. All that turn to the Enemy, *&c.* and either run away with their Ship, Ammunition, *&c.* or yield it up to the Enemy, ſhall ſuffer Death.

17. All that deſert their Imployments, run away, or intice others ſo to do, ſhall ſuffer Death.

18. All Spies ſhall be puniſhed with Death.

19. None

19. None ſhall utter Words of Sedition or Mutiny, nor make or endeavour any mutinous Aſſembly, on Pain of Death.

20. None ſhall conceal traiterous or mutinous Practices, nor Words, to the Prejudice of the King or Government, nor Words or Practices tending to the Hinderance of the Service, but to reveal them to their Superior, on Pain of ſuch Puniſhment as a Court-Martial, *&c.*

21. None ſhall quarrel with his Superior, on Pain of ſevere Puniſhment, nor ſtrike any ſuch on Pain of Death, or as a Court-Martial ſhall determine, *&c.*

22. For Unwholeſomneſs of Victuals, or other juſt Ground, Complaint ſhall be made by each to his Superior, *&c.* but none ſhall privately attempt to make Diſturbance, on Pain of ſuch Puniſhment as a Court-Martial ſhall inflict.

33. None ſhall quarrel or fight, or uſe provoking Speeches, on Pain of Impriſonment.

24. There ſhall be no waſteful Expence, nor Imbezilment of any Stores in the Fleet, on ſuch Penalties by Fine, Impriſonment, or otherwiſe, upon the Offenders, Buyers and Receivers, as a Court-Martial, *&c.*

25. They through whoſe Default any of the King's Ships are ſtranded, ſplit or hazarded, ſhall be fined and impriſoned, or otherwiſe puniſhed at the Diſcretion of a Court-Martial.

26. They that wittingly ſet on fire any Ship or other Veſſel, their Store or Furniture, not appertaining to an Enemy or Rebel, ſhall ſuffer Death.

27. No Man ſhall ſleep on his Watch, or negligently perform his Duty, or forſake his Station, on Pain of Death, or as a Court-Martial, *&c.*

28. Murders and wilful Killing ſhall be puniſhed with Death.

29. Rob-

29. Robbery and Theft ſhall be puniſhed with Death, or as a Court-Martial, *&c.*

30. Sodomy and Buggery ſhall be puniſhed with Death without Mercy.

31. No Provoſt-Marſhal ſhall refuſe to receive any Priſoner, nor ſuffer him to eſcape, on Pain of ſuch Puniſhment as ſhould have been inflicted on the Party, or as a Court-Martial, *&c.*

32. All ſhall endeavour to apprehend Offenders, and aſſiſt the Officers thereto appointed, on Pain of Puniſhment as a Court-Martial, *&c.*

33. All Miſdemeanours not here mentioned, ſhall be puniſhed according to the Laws and Cuſtoms uſed at Sea.

34. The Admiral may grant Commiſſions to Vice-Admirals, and Commanders of Squadrons, to call Courts-Martial of Commanders and Captains. No Court-Martial ſhall inflict Death that conſiſts of leſs than five Captains:

The Admiral's Lieutenant ſhall be as Captain for this Purpoſe. No Execution of any Sentence of Death by Vertue of theſe Articles, (except in Caſe of Mutiny,) ſhall be without Leave of the Admiral, if the Offence be committed within the narrow Seas; and if elſewhere, not without Order of the Commander of that Squadron where the Sentence paſſed.

35. The Judge-Advocate, and in his Abſence, whom the Court-Martial ſhall appoint, may adminiſter an Oath in order to the Examination or Trial of theſe Offences.

36. This Act ſhall give Juriſdiction only for ſuch of the Offences aforeſaid, as ſhall be committed on the main Sea, or in Veſſels in the main Streams of great Rivers, beneath the Bridges near the Sea, within the Juriſdiction of the Admiralty; by Perſons in Service and Pay in the Fleet, or Ships of War.

Theſe

These are the Articles for the regulating and better Government of his Majesty's Navies, Ships of War, and Forces by Sea, made and established by King *Charles* the second; and by 5 & 6 *W. & M. c.* 25. all Offences committed contrary to that Act, may be tried and determined in the King's Bench at *Westminster*, or before Justices of *Oyer* and *Terminer*, according to the Common Law; and those Courts to inflict such Penalties as are appointed by the said Act.

Where any of the said Offences shall be committed out of the Realm, the same may be alledged and laid in any County within this Realm. But no Person who shall be tried in a Court-Martial, shall for the same Offence be again tried by Vertue of this Act; nor shall any Person tried by Vertue of this Act, be tried again by a Court-Martial.

Of Cruiſers, Convoys, and Privateers; Prizes taken by them in Time of War, &c.

AMongſt the ſeveral Acts of Parliament for ſecuring the Trade of the Kingdom by Convoys and Cruiſers, and which give Encouragement to the taking of Prizes from an Enemy in Time of War, the 4 *&* 5 *W. & M. c.* 25. and 6 *Ann. c.* 13. contain the greateſt Variety; for which Reaſon I ſhall ſet forth the Subſtance of thoſe Statutes in this Place, but begin with the latter, as that only relates to Cruiſers and Convoys.

By 6 *Ann.* it is enacted for the better preſerving the Shipping, as ſhall be imployed in the Trade of *Great Britain*, that over and above the Ships of

of War for the Line of Battel, *&c.* Forty-three Ships ſhall be imployed as Cruiſers, (*viz.*) ſix Third-Rates, twenty-four Fourth-Rates, thirteen Fifth-Rates, and four Sixth-Rates, whereof nine to cruiſe on the North-Eaſt of *Great Britain*, and three on the North-Weſt Coaſt, *&c.* in ſuch Stations as ſhall be directed by the Lord High Admiral, *&c.* and ſhall be careened at leaſt three Times a Year; and the Seamen on Board ſhall not be turned over to any Ships, but only ſuch as are appointed for cruiſing.

But nothing in this Act ſhall reſtrain the Lord High-Admiral of *Great Britain*, *&c.* from directing any of the ſaid Ships to be imploy'd in the Line of Battel (in Caſe of Neceſſity) on this Side Cape *Finiſter*; but without ſuch Direction, ſuch Ships ſhall be always imployed as home Cruiſers, except when careening.

And

And the Lord High Admiral, *&c.* ſhall direct the Commiſſioners of the Navy, or ſome one or more Perſons, reſident at ſuch Places as her Majeſty ſhall appoint, to ſuperintend and overſee what relates to theſe Cruiſers, that they have Things neceſſary when forced by bad Weather into Port, or come in to careen, *&c.* and ſo ſoon as refitted, ſhall order them to Sea again.

The Commiſſioners of the Navy in the Out-Ports, *&c.* ſhall ſend up to the Lord High Admiral, *&c.* within eight Days after the Meeting of every Parliament, an Account of the Time when any one of the ſaid Ships ſailed out of Port, when ſhe came in, with the Number of Days ſhe was out on Duty; and how often careened, the Reaſons of her putting into Port, Stay there, *&c.*

This is all concerning Cruiſers and Convoys, except it be with Relation to Prizes, for the Act goes on, that if any Ship of War, Privateer, *&c.* be

be taken as Prize by any of her Majeſty's Men of War, *&c.* and adjudged Prize, the Officers and Seamen on Board ſuch a Ship, *&c.* ſhall after Condemnation, have the ſole Property in ſuch Prize to their own Uſe, to be ſold by ſuch Perſons as ſhall be appointed by the Commanders, *&c.* who ſhall take ſuch Prize, or the major Part of them; and the Whole to be divided according to the Proportion directed by her Majeſty's Proclamation, to be iſſued out for that Purpoſe.

And if her Majeſty, or the Lord High Admiral, *&c.* ſhall take into the Service any ſuch Ship ſo taken and condemned, then ſuch Ship with her Stores, *&c.* ſhall be appraiſed by Officers appointed by her Majeſty, and by the like Number of Perſons appointed by the Majority of the Commanders, *&c.* that took ſuch Prize; and on producing ſuch Appraiſement, and Certificate of Delivery of ſuch Ship, *&c.* to the Commiſſioners

miſſioners of the Navy, they ſhall make forth a Bill for the full Value, within fifteen Days, for Payment, according to the Courſe of the Navy, to be divided as aforeſaid.

And for a farther Encouragement there ſhall be paid by the Treaſurer of the Navy, to the Officers, Seamen, and others, actually on Board ſuch Ship in ſuch Action 5 *l.* for every Man which was living at the Time of the Engagement, in the Ship taken; to be paid according to the Courſe of the Navy, and divided as her Majeſty's Proclamation, to be iſſued out, ſhall direct, being proved by Officers of the Enemy's Ship, on Oath before the Mayor, *&c.* of the Port where ſuch Prize ſhall be brought in.

Nothing in this Act ſhall exempt any Ships, Goods, *&c.* taken as Prize, from Payment of Cuſtoms, *&c.* but on bringing ſuch Goods into Port, they ſhall he unladen in the Preſence of the Officers of the Cuſtoms

ſtoms for ſuch Port; and put into her Majeſty's Warehouſe, locked up with three Locks, the Key of one to be kept by the Collector, another by the Controller, and the other by an Agent imployed by the Captors till ſold; who may bring Appraiſers, to view, *&c.* and when ſold, the Perſons buying ſhall pay the Cuſtoms before Delivery, *&c.*

If any Commander, *&c.* ſhall break Bulk on Board, or imbezil any Goods, *&c.* belonging to a Ship taken as Prize, he ſhall forfeit treble the Value of the Goods, *&c.* one third Part to *Greenwich* Hoſpital, and the other two Thirds to the Informer.

I now come to the Act 4 *&* 5 *W. & M.* made during the Wars with *France*, for prohibiting Trade and Commerce with that Kingdom, and for the encouraging of Ships of War and Privateers in the taking of Prizes.

By

By this Act, all Veſſels with their Lading, and all Goods and Merchandizes that ſhall be taken or ſeized as Prize, ſhall be brought into ſome Port of this Kingdom, and before breaking of Bulk, put into the Poſſeſſion of the Commiſſioners for Prizes, their Officers or Agents, who with two or more ſuch Perſons, as the Officers or Mariners ſhall intruſt, and ſuch as ſhall be appointed by the Commiſſioners of the Cuſtoms, are to preſerve the ſame till adjudged Prize.

After ſuch Goods, *&c.* ſhall be adjudged Prize, they ſhall as ſoon as conveniently may be, be ſold by the Commiſſioners for Prizes, *&c.* in the Preſence of ſuch as ſhall be entruſted by the Commiſſioners of the Cuſtoms, and the Owners, Officers and Mariners of ſuch Ship of War, publickly by Inch of Candle: And out of the Proceed of ſuch Sale, their Majeſties Duties being deducted, the neat Proceed, in Caſe ſuch Prize were

were taken by a private Man of War, ſhall be divided into five Parts, four Parts to be anſwered to the Perſons intereſted in the Privateer, and the Fifth to their Majeſties; and the Ship or Veſſel with its Furniture, ſhall be likewiſe enjoyed by the Perſons intereſted in the Privateer: And if ſuch Prize be taken by any of their Majeſties Ships, the neat Product to be divided into three Parts, one Third whereof to go to the Commander, Mariners, and Seamen taking the ſame, one Third to the Uſe of their Majeſties, and the other third Part to be paid the Treaſurer of the Navy, for the Relief of ſick and wounded Mariners, and their Widows, Children, *&c.* And where Prizes are taken by Merchant-Ships imployed in their Majeſties Service, the ſame Diviſion to be made, as in Caſe of Men of War.

In

In all Caſes where Prizes ſhall not be taken by any private Man of War, one tenth Part before any Diviſion of the Proceed thereof, ſhall be paid to the Treaſurer of the Navy, and kept apart for Medals, and other Rewards for Officers and Seamen, who ſhall do any extraordinary Service.

And in Caſe any Man of War or Privateer, take or deſtroy any *French* Man of War or Privateer, they ſhall receive for every Piece of Ordnance in any Ship ſo taken or deſtroyed 10 *l.* to be paid by the Commiſſioners of Prizes.

But where a Veſſel ſhall be taken as Prize by a Privateer, in which Veſſel there ſhall be no Goods of the Growth or Manufacture of the Dominions of the *French* King, then after Condemnation and Payment of Cuſtoms, the Perſon intereſted in ſuch Privateer, ſhall have the Whole to their own Uſe without Deduction for Tenths, or any other Part to their Majeſties, *&c.* If

If any Veſſel whereupon Wool is laden for Tranſportation contrary to Law, be taken by any Privateer, on Proof thereof in the *Exchequer*, the Perſons intereſted in the Privateer, ſhall have a Moiety of the Veſſel and Goods, and their Majeſties the other Moiety. But where any Veſſel ſhall be taken within any of their Majeſties Ports, Rivers, or Havens by any Privateer, ſuch Prize ſhall belong to their Majeſties, as a Perquiſite of the Admiralty of *England*, and the Captors to have ſuch Part thereof only, as their Majeſties ſhall think fit to allow.

If any Ship belonging to their Majeſties Subjects taken by an Enemy, be afterwards retaken, ſuch Veſſel and Goods ſhall be reſtored to the former Owners, by Decree of the Court of Admiralty, they paying for Salvage, if retaken by a Man of War, an eighth Part of the Value, to be divided amongſt the Captain, Officers and Seamen, as the Share of Prizes taken; and

and if taken by a Privateer or other Veſſel, after having been in Poſſeſſion of the Enemy twenty-four Hours, likewiſe an eighth Part of the Value; if above twenty-four Hours and under forty-eight, a fifth Part; if above forty-eight Hours and under ninety-ſix, a third Part; and if above ninety-ſix Hours, a Moiety. And if ſuch Ship retaken, ſhall have been ſet forth by the Enemy as a Man of War, the Proprietors ſhall pay the full Moiety of the true Value for Salvage.

If the Commiſſioners of Prizes, *&c.* ſhall detain the Shares belonging to Perſons intereſted in Privateers, two Days after the ſame ought to be paid, and Demand thereof made, free from all Deductions, except for Warehouſe Room, and 2 *l. per Cent.* for all other Charges, they ſhall forfeit double the Sum ſo detained.

But

If any Perſon who ſhall take any Prize, ſhall imbezil or conceal any Part of the Goods, or Merchandize, he ſhall loſe his Share and Reward; and if he be an Officer, he ſhall forfeit 500*l.* one Moiety to their Majeſties, and the other to him that will ſue for the ſame.

Ships taken as Prize within the Streights of *Gibraltar*, may be carried into *Cadiz* or *Alicant*, or *Meſſina* or *Naples*, and be put into the Poſſeſſion of ſuch as ſhall be authorized by their Majeſties, to receive and preſerve the ſame, till by the Court of Admiralty they be adjudged Prize; and the Captors to tranſmit with all Speed the Papers taken therein, or atteſted Copies thereof to the ſaid Court.

Ships taken as Prize in *America*, may be carried into any of their Majeſty's Ports there, and put into the Poſſeſſion of the chief Governor, to be kept as aforeſaid, till diſpoſed of by ſuch as ſhall be lawfully commiſſioned.

The

The Lord High Admiral, or Commiſſioners of the Admiralty, ſhall expreſs all Things by this Act directed to be obſerved concerning Prizes, *&c.* in the Inſtructions by them to be given to the Captains and Commanders of their Majeſties Ships of War, and to Commanders of Privateers.

Before a Commiſſion is granted to any Privateer, *&c.* the Commander is to give Security before a competent Judge, if the Ship be not above 150 Tuns, in 1500 *l.* and if the Ship exceeds the Burthen of 150 Tuns, in 3000 *l.* that the Commanders ſhall make Satisfaction for all Damages or Injuries which they ſhall commit in their Courſes at Sea, contrary to Treaties with States in Amity. *Treaty between King* William *and the States of* Holland.

In the 5th and 6th Years of King *William* and Queen *Mary*, an Act paſſed, That every Perſon that ſhall build or cauſe to be built any Ship of three Decks, with a Fore-caſtle,

Quarter-deck, Round-houſe, &c. the Ships no leſs than 450 Tuns, and ten Ports of a Side between Decks, mounted with thirty-two Pieces of Ordnance, of which eighteen to be between Decks, the Guns upon the lower Deck being Demi-culverins of 3000 Weight at leaſt, ſhall for the firſt three Voyages, receive one tenth Part of the Cuſtoms of Tonnage and Poundage for all Merchandizes exported and imported: But if after the three Years, ſuch Ships ſhall be altered and made leſs defenſible, they ſhall be forfeited.

As theſe Encouragements have been given to Merchants, to fit out Ships of Force in Time of War; ſo likewiſe Laws have been made for puniſhing of Commanders of ſuch Ships of Force, not making a Defence, and for rewarding others who have preſerved their Shipping by a gallant Reſiſtance. Of theſe Laws I ſhall only take Notice of the 22 & 23 *Car.* 2. which enacts, That where any Goods ſhall be laden on Board any *Engliſh* Ship

Ship of the Burthen of 200 Tuns or upwards, mounted with ſixteen Guns or more, if the Maſter yields up ſuch Ship or Goods to any Pirate, *&c.* without fighting, he ſhall upon Proof thereof in the Admiralty, be incapable of taking Charge of any *Engliſh* Veſſel, or being a Commander. And Mariners, *&c.* refuſing to fight when commanded, ſhall loſe all their Wages, *&c.*

Mariners laying violent Hands on their Commanders, to hinder them from fighting in the Defence of their Ships, ſhall ſuffer Death as Felons: But when any *Engliſh* Ship ſhall have been defended by Fight, and brought to her Port, in which Fight any of her Men have been wounded, the Judge of the Admiralty, *&c.* may order 2 *l. per Cent*, to be paid by the Owners to the Captain, Officers, Seamen, or their Widows, *&c.* for their Service in Preſervation of the Ship. And if any *Engliſh* Merchant-Ship be aſſaulted, and the Company

of ſuch Ship take the Enemy, the Officers and Mariners after Condemnation, ſhall receive ſuch Shares as private Men of War.

The laſt Thing I ſhall obſerve under this Head, is Letters of Marque and Reprizal granted to Merchants on Loſs of their Shipping at Sea; and by an ancient Law, upon Application to the Keeper of the Privy Seal (on Evidence ſhewn) he ſhall ſign Letters of Requeſt to demand Reſtitution and Reparation to all Perſons injured; which if not made in convenient Time, then the Lord Chancellor of *England* ſhall grant Letters of Reprizal in due Form of Law, to obtain the ſame by Force, and for the Indemnity of the Perſons intereſted.

Then there are extraordinary Repriſals by Letters of Marque, *&c.* for Reparation at Sea, granted by the Secretaries of State, with the Approbation of the King and Council, and

theſe are commonly granted in Time of War, to weaken an Enemy.

During the late War with *France* it was enacted, That her Majeſty might grant Commiſſions to any Perſons or Societies, for taking any Ships, Goods, Harbours, Lands or Fortifications of Enemies in *America*, and for the Enjoyment thereof though the War be ended.

Of regiſtring Seamen for Service in the Navy Royal, Greenwich *Hoſpital, Apprentices to Sea-Service,* &c.

THE Laws relating to the regiſtring of Seamen, are the moſt uſeful, as *Greenwich* Hoſpital is the moſt Noble Foundation of its Kind in the World: And the Statute

7 & 8

7 & 8 *W.* 3 enacts, That all Mariners, Seamen, Watermen, *&c.* natural born Subjects of this Realm, above the Age of eighteen Years, and under fifty, and capable of Sea-Service, who voluntarily regiſter themſelves for the King's Service in the Royal Fleet or Navy, the whole Number of which alive in any one Year not to exceed thirty thouſand; every ſuch Seaman regiſtred as aforeſaid, ſhall have paid to him from his Majeſty (whether he be in Service or not) the yearly Sum or Bounty of 40 *s.* beſides his Pay, which he is intitled to by actual Service.

None but ſuch Mariners, Watermen, *&c.* as are regiſtred, ſhall be capable of any Preferment to any Commiſſion, or be Warrant-Officers in the Navy-Royal; and every ſuch Seaman being in Service upon any of the King's Ships in any foreign Voyage, ſhall at any Time have Power to aſſign or appoint to his Wife or any other Perſon, any Part

of his Wages due for his Service, not exceeding two Months in ſix Months Pay, which Aſſignments ſhall be duly ſatisfied, upon due Proof of the ſix Months Service; and upon the like Proof of ſuch Seaman's Death, the Moneys remaining due to him for Wages, ſhall be paid to his Executors or Adminiſtrators without ſtaying for the Ship's Return. Every ſuch regiſtred Seaman ſhall receive for his Share and Dividend out of all Prizes taken at Sea, wherein he ſhall be concerned in the taking, a double Part or Share more than an unregiſtred Seaman in the ſame Ship. And every ſuch regiſtred Seaman ſhall be exempted from ſerving on Juries, Pariſh-Offices, *&c.*

Every regiſtred Seaman, Waterman, *&c.* who by Age, Wounds, or other Accidents, ſhall be diſabled for future Service at Sea, ſhall upon Certificate thereof from the Captain, Maſter, Surgeon and Purſer, or ſo many

many of them as were in the Ship for the Time being, unto the Governor or Governors of the Hoſpital at *Greenwich*, be admitted into the ſaid Hoſpital, and there provided for, during his Life, at the Charge of the ſaid Hoſpital. And the Widows of ſuch Seamen, Watermen, *&c.* who ſhall be ſlain, or drowned, not of Ability to provide comfortably for themſelves, ſhall be received into the ſaid Hoſpital, and there maintained; and the Children of ſuch Seamen ſhall be educated at the Charge of the ſaid Hoſpital, till they are fit to be put out, or able to maintain themſelves.

But if any ſuch Mariner, Seaman, Waterman, *&c.* regiſtred as aforeſaid, ſhall during the Time of actual War, withdraw or abſent himſelf from the King's Service, in his Ships or Navy, and ſhall not within thirty Days after due Summons or Warning from the Lord High Admiral of *England*, Com-

miſſioners of the Admiralty, or of the Navy, *&c.* repair on Board ſuch of of his Majeſty's Ships, whereunto he ſhall belong, or be directed, not being detained by Sickneſs, or other bodily Infirmity, atteſted by the Oaths of two credible Witneſſes, to be allowed by ſuch Perſons as are abovementioned; or if any ſuch Mariner, Seaman, *&c.* ſhall relinquiſh his Majeſty's Service, without the Conſent of the Lord High Admiral, *&c.* firſt had and obtained in Writing; then every ſuch Mariner, Seaman, *&c.* ſhall for ever loſe the Benefit of this Act, and ſerve in his Majeſty's Service for ſix Months without Pay; but he ſhall not ſuffer as a Deſerter.

And by the Statute 4 *&* 5 *Ann.* If any Watermen, Bargemen, *&c.* working between *Graveſend* and *Windſor*, as the Lord High Admiral, or Commiſſioners of the Admiralty ſhall give Notice to the Company of Watermen from Time to Time, to be neceſſary (being ſummoned by Notice in Writing

ting at their uſual Abode by the Company) within ten Days after, ſhall not appear before the Watermen's Company to be ſent to his Majeſty's Fleet; the Perſons ſummoned being convicted before the Lord Mayor of *London* and Court of Aldermen, or two Juſtices of the City, and two Rulers of the Company, ſhall ſuffer one Month's Impriſonment, and be diſabled working on the *Thames* for two Years.

But to return to the 7 & 8 *W.* 3. every regiſtred Seaman under the Age of eighteen Years, or above the Age of fifty-five Years, ſhall be exempted from Service aboard, upon ſuch Summons as aforeſaid, unleſs he or they will voluntarily ſerve.

No Perſon ſhall be capable of being a Brother of *Trinity-houſe*, *Deptford*, but ſuch only as ſhall be, or ſhall have been a regiſtred Seaman. Where any regiſtred Seaman ſhall be preferred to be a Commiſſion or Warrant-Officer in his Majeſty's Service,

or Maſter, Mate, Boatſwain, Gunner, Purſer or Surgeon, he ſhall not be intitled to the Bounty of 40 *s. per Ann.* or other Benefits intended for regiſtred Seamen, or be liable to incur the Penalties whereunto Seamen, not ſerving as this Act directs, are ſubject.

Every Seaman at the Time of his regiſtring, ſhall bring a Certificate of the Place of his Abode, under the Hands of two Juſtices of Peace of that County, and ſo as often as he ſhall change his Place of Reſidence, under the Penalty of loſing the Benefit of his being regiſtred. And every Seaman whatſoever ſerving the King, or any other Perſon in any Ship belonging to the Subjects of *England*, or Dominions thereof, ſhall allow out of his Wages 6 *d. per* Month, for the better ſupport of *Greenwich* Hoſpital.

No Perſons regiſtring themſelves as aforeſaid, ſhall be obliged to ſerve as Land-Soldiers, or in any other Quality but as Seamen of his Majeſty's

Fleet

Fleet and Navy. And the Lord High Admiral, or three or more Commissioners of the Admiralty for the Time being, may, where they see Cause, discharge any Seaman who has been registred, or upon any Offence dismiss or expunge any Seaman from the Register, and deprive him of the Benefit thereof.

By 8 & 9 *W.* 3. *c.* 23. All Seamen above the Age of fifty Years, and who shall appear by the Books of the Navy-Office, to have served on Board any of the King's Ships for seven Years last past, without wilful Desertion, shall upon producing Certificates, under the Hands of one or more Justices of the Peace, be registred, and have and enjoy the several Privileges in the Act mentioned: But such Seamen shall give such Reasons for their omitting to be registred, during the Time of Service on Board, as shall be approv'd by the Admiralty, *&c.*

Any Perſons already regiſtred, or who ſhall hereafter be regiſtred, and who then were, or ſhall after be raiſed to the Degree of a Maſter's Mate in any of the King's Ships, their Wives, Widows, and Children, are declared and enabled to enjoy all and every the Benefits and Advanges given to any other Perſon regiſtred.

Whatever Perſon or Perſons ſo regiſtred as aforeſaid, ſhall directly or indirectly, lend or diſpoſe of his or their Certificate, of being regiſtred according to the aforeſaid Statute, to any Waterman, Seaman, Fiſherman, *&c.* whereby to keep ſuch Perſons from being impreſſed into his Majeſty's Service, ſuch Offenders ſhall be ſtruck out of the Regiſter, and loſe the Benefit of the aforeſaid Act, and be compelled to ſerve in his Majeſty's Service ſix Months without any Pay. And every Perſon borrowing or taking for themſelves or other ſuch Certificates, or uſing the ſame

ſame for the Purpoſes aforeſaid, ſhall forfeit 20 *l.* or be obliged to ſerve the King at Sea for ſix Months without any Pay or Wages.

It ſhall be lawful for Commiſſioners appointed for regiſtring Seamen, by Warrant under their Hands and Seals, to cauſe all Maſters and Commanders of Ships, not in his Majeſty's Service, to appear before them, and diſcover upon Oath the Number, Rates, Salaries, Wages, and Times of Service, of all and every Perſon or Perſons ſerving in ſuch Ships or Veſſels, and which by the aforementioned Act are obliged to pay 6 *d. per Menſem*, out of their Salaries and Wages: And if any ſuch Maſter or Commander ſhall upon Summons refuſe to appear, or to make a full Diſcovery of the Matter aforeſaid upon Oath, every ſuch Offender ſhall forfeit the Sum of 10 *l.*

By

By a ſubſequent Act, the Maſters of every Ship or Veſſel, not in the Service of the Crown, are to detain out of the Wages of Seamen the *6 d. per* Month towards the Support of *Greenwich* Hoſpital, and to pay the ſame to ſuch Perſon appointed by the Admiralty to receive it: And neglecting to pay the Money to the Hoſpital in fourteen Days after the Ships are cleared, or to appear and diſcover, *&c. ut ſupra*, to forfeit 20 *l.* one Moiety to the Hoſpital, and the other to the Proſecutor. Stat. 10 *Ann.*

The Admiralty or thoſe who have Power to direct the Admiſſion of Perſons into the Hoſpital, may admit any Seaman who ſhall produce an authentick Certificate of his being wounded, maimed or hurt, in defending any Ship of her Majeſty's Subjects againſt the Enemy, or in taking any Ship from the Enemy, and thereby diſabled for Sea-Service. And the Admiralty may appoint diſabled

Seamen

Seamen, their Wives and Children, and Widows and Children of Seamen drowned in the Sea-Service, to be provided for in *Greenwich* Hoſpital.

Beſides theſe Encouragements for the Sea-Service, during the late War, it was enacted, That a Foreigner who had faithfully ſerved on Board any Ship of *Great Britain* for two Years, ſhould be deemed a natural born Subject, and have all the Privileges of ſuch Subject.

And by 2 *Ann. c.* 6. *Apprentices* were ordered to the Sea-Service, as a Sort of Nurſery to the Fleet. This Act impowers two Juſtices of Peace, in their reſpective Counties, *&c.* Mayors and chief Officers of Boroughs or Corporations; and the Church-wardens and Overſeers of the Poor, with the Conſent of ſuch Juſtices, Mayors, *&c.* to place out poor Boys the Age of ten Years or upwards; who or whoſe Parents are chargeable to the Pariſhes they inhabit in, or who beg for Alms, Apprentices to the

the Sea-Service, to Subjects, Maſters, or Owners of Veſſels belonging to any Port of *England*, *Wales* or *Berwick*, till the Age of twenty-one Years: But by a ſubſequent Statute, the Age of their placing abroad is aſcertained and limited to thirteen Years.

The Age of every ſuch Apprentice ſhall be inſerted in the Indentures from the Copy of the Regiſter given and atteſted by the Miniſter, where the ſame may be had; and the Churchwardens and Overſeers ſhall ſend the Indentures to the Collector of the Cuſtoms of the Port to which ſuch Maſter ſhall belong, who ſhall enter ſuch Indentures, and indorſe the Regiſtry without Fee; the Collector neglecting ſhall forfeit 5*l.* and the Collector ſhall ſend Certificates to the Admiralty, of the Names and Ages of the Apprentices (who ſhall not be impreſſed in her Majeſty's Service at Sea until eighteen Years of Age) and Names of Ships to which they

they belong, and Protections ſhall be given to ſuch Apprentices, *&c.*

After the Age of eighteen Years, when theſe Apprentices ſhall be impreſſed, or may enter themſelves into her Majeſty's Service, the Owners or Maſters of ſuch Apprentices, ſhall have able Seamen's Wages for ſuch of them as are found qualified. And poor Boys are exempted from Payment of 6 *d. per* Month to *Greenwich* Hoſpital.

Maſters or Owners of Veſſels from thirty Ton to fifty, are obliged to take one ſuch Apprentice, one more for the next fifty Ton, and one more for every hundred Ton above the firſt Hundred. The Counterpart of the Indentures to be executed by the Maſters, and atteſted by the Collector of the Port: The Collectors to regiſter the Burthen of all Veſſels, Names of Maſters, Owners, Apprentices, *&c.* and tranſmit Copies to the Quarter-Seſſions.

The

The Maſter after his Arrival at the Port, and before he clears out, ſhall give an Account under his Hand to the Collector, of the Names of the Apprentices remaining in his Service. The Cuſtom-houſe Officers at the Bottom of their Coquets, to inſert the Number of the Men and Boys on board, deſcribing the Apprentices by their Names, Ages, and Dates of their Indentures: And two Juſtices of Peace, Mayors, *&c.* of Places adjoining to the Port to which ſuch Veſſel ſhall arrive ſhall have Power to determine Complaints of hard Uſage of all Apprentices to Sea-Service.

Maſters of Apprentices according to 43 *Eliz. c.* 2. may with the Conſent of two Juſtices, Mayor, *&c.* of the Place where ſuch Boys were bound by Indenture, turn over ſuch Apprentices to ſuch Maſters or Owners of Ships as they ſhall think fit, during the Remainder of the Apprenticeſhip, which Indentures ſhall be regiſtred

and

and certified as aforesaid, and Protections shall be given till eighteen Years of Age, as aforesaid.

And lewd and disorderly Servants, Rogues, Vagabonds, and sturdy Beggars, not being Felons, are to be taken up and sent to her Majesty's Fleet, and conveyed in Manner as Vagrants.

This is all which relates to Apprentices to Sea-Service, *&c.* I shall finish this Head with a Statute very much for the Service and Security of Seafaring Persons. By 9 *&* 10 *W.* 3. it is enacted, That if any Person shall personate a Seaman, and fraudulently receive his Wages, forge Letters of Attorney, Bills of Sale, Assignments, or last Wills; personate the Wives, Relations, or Creditors of Seamen, and take Administration to them, forge Letters of Attorney, Bills of Sale, or other Authorities in the Names of their Executors or Administrators, for the Receipt of Wages due to Seamen, their Aiders, *&c.* shall forfeit,

forfeit, beſides other Penalties, 200 *l.* and be committed till paid.

Of Stores of War for the Navy Royal.

BY 19 *Car.* 2. *c.* 7. The Treaſurer, Controller, *&c.* and Commiſſioners of the Navy, or one or more of them, may examine and puniſh all Perſons whom they ſhall find make any Diſturbance, fighting or quarrelling in the Yards, Store-houſes or Offices of the Navy, and inflict a Puniſhment by Fine or Impriſonment, the Fine not exceeding 20 *s.* nor the Impriſonment one Week. And the ſaid Officers and Commiſſioners, by Warrant under their Hands and Seals, may cauſe Search to be made for his Majeſty's Stores and Ammunition, belonging to the Navy loſt or imbezilled in

in all Places, as Juſtices of Peace may do in Caſe of Felony, and commit the Offenders to Gaol, *&c.*

By Statute 22 *Car.* 2. Perſons felonioufly ſtealing or imbezilling any of the King's Naval Stores to the Value of 20 *s.* ſhall not have Clergy: But the Court may grant a Reprieve, and Cauſe ſuch Offenders to be tranſported to any of the King's Plantations beyond-ſea for ſeven Years, there to be kept at hard Labour.

And the Statute 22 *&* 23 *Car.* 2. enacts, That the Treaſurer, *&c.* and Commiſſioners of the Navy, where any Goods carried from his Majeſty's Yards, *&c.* to his Ships, or recarried, ſhall be imbezilled, and the Value thereof under 20 *s.* may upon legal Proof convict the Offender, and impoſe ſuch Fine as they ſhall think fit, not exceeding double the Value of the Goods imbezilled, to be levied by Diſtreſs; and if there be no ſufficient Diſtreſs, the Offender to be committed

committed to Gaol for any Time not exceeding three Months.

The ſaid Officers and Commiſſioners, or one or more of them, upon Oath of two or more Witneſſes, that any of his Majeſty's Stores and Naval Proviſions are conveyed into any Veſſel being at Anchor; or any Perſon by their Warrant, ſpecifying the Quantity or Quality of ſuch Goods, may in the Preſence of any known Officer of the Admiralty, go on board any ſuch Veſſel: And if Reſiſtance be made, upon Demand, to break open the Hatches, and other Places of the Ship, and ſearch for ſuch Stores, *&c.* and carry them away to be applied to the King's Uſe, *&c.*

The ſaid Officers and Commiſſioners, or any one of them, may adminiſter an Oath in any Caſe relating to his Majeſty's Stores, *&c.* or for Preſervation of Diſcipline in all Matters cognizable by them.

By

By the 9 & 10 *W.* 3. for preventing the Imbezilment of his Majeſty's Stores of War, *&c.* enacted, That none but the Contractors with the principal Officers or Commiſſioners of the Navy, Ordnance or Victualling-Office for his Majeſty's Uſe, ſhall make any Stores of War or Naval Stores, with the Marks commonly uſed to his ſaid Majeſty's Stores, or any other Stores with the Broad Arrow, by Stamp, Brand, or otherwiſe, upon Pain of forfeiting ſuch Goods, and 200*l.* one Moiety to the King, the other to the Informer.

Perſons in whoſe Cuſtody ſuch Stores ſo marked ſhall be found, not employed as aforeſaid, or who ſhall conceal ſuch Stores ſo marked, and be convicted thereof, ſhall forfeit ſuch Goods and the Sum of 200*l.* as aforeſaid, unleſs ſuch Perſon produce a Certificate under the Hands of three or more of the Commiſſioners of the Navy, Ordnance, or Victualling-Office, particularizing the Goods in Queſtion,

Queſtion, and the Reaſon of ſuch Goods coming into ſuch Perſons Hands.

Commanders of his Majeſty's Ships at Sea, *&c.* may lend any of his Majeſty's Stores to any Merchant-ſhip or Veſſel in Diſtreſs or otherwiſe, in Caſe ſuch Goods be reſtored with all poſſible Speed; and provided the Perſons borrowing the ſame, have a Certificate from the Lenders, *&c.*

Two thouſand Acres Part of the waſte Lands of the *New-Foreſt* in the County of *Southampton*, to be encloſed and kept in Severality for the Growth and Preſervation of Timber, for Supply of his Majeſty's Navy-Royal: The Quantity to be ſet out by his Majeſty's Commiſſion, directed to ſix or more Perſons, whereof two to be Juſtices of Peace, out of ſuch Parts of the Foreſt, as three or more of the Commiſſioners ſhall find moſt convenient, and moſt apt to produce Timber.

And when the two thouſand Acres are out of Danger of brouſing of Deer, Cattle, *&c.* the ſame to be laid open, and the King, his Heirs and Succeſſors, may incloſe in lieu of ſo much ſo laid open, the like Quantity out of any other Part of the ſaid Waſtes, free of all Herbage, *&c.* to be a Nurſery for Timber. Perſons felling any Tree before viewed and allowed by the Surveyor of the Woods, or cutting down Trees marked without Warrant, to forfeit 50 *l.* If any Officer of the Foreſt, ſhall top, lop, or brouſe any Oak or Beach-tree in the Foreſt, he is liable to a Penalty of 10 *l.* *&c.* and Perſons who ſhall break down any of the Incloſures for raiſing Nurſeries of Timber, *&c.* ſhall forfeit 5 *l.*

The Incloſures to be kept up twenty Years at leaſt from the Time of their making; and the Lands ſo inclos'd for raiſing Nurſeries of Timber, *&c.* ſhall not be plowed or ſowed with Corn, or fed with Cattle, or kept for Underwood,

derwood, but in ſuch Manner as ſhall be fit for raiſing Timber for the Navy.

By the Statutes 3 & 9 *Ann.* no Perſon within the Colonies of *New Hampſhire*, *Maſſachuſet's* Bay, *Rhode* Iſland, *Connecticut* in *New-England*, *New-York*, *&c.* ſhall cut, fell, or deſtroy any Pine fit for Maſts, not being the Property of any private Perſon, ſuch Tree being under the Growth of twenty-four Inches Diameter, And upwards at twelve Inches from the Earth, on the Penalty of 100 *l.* and felling or deſtroying any Pitch, Pine, or Tar-Trees, not being within any Fence, under the Growth of twelve Inches Diameter, three foot from the Earth, incurs a Penalty of 5 *l.* Perſons other than the Surveyor of the Woods, *&c.* marking any Pine-Trees with the Broad Arrow, to forfeit 5 *l.* *&c.*

Every Perſon that ſhall import directly from the *Engliſh* Plantations in *America*, in Ships which may lawfully trade there, any the Naval-Stores

hereafter mentioned, they ſhall have as a *Præmium* and Reward the ſeveral Rates following: For good Tar *per* Ton 4 *l.* Pitch 4 *l. per* Ton, good Roſin or Turpentine *per* Ton 3 *l.* Hemp *per* Ton 6 *l.* Maſts, Yards, and Bowſprights *per* Ton 1 *l.*

Articles of WAR for the better Government of the Land Forces of Great Britain, &c.

HAVING now gone through the principal Parts of my ſmall Treatiſe, I ſhall conclude with the Articles of War, eſtabliſhed by his preſent Majeſty King *George*; the Subſtance of which take as follows.

1. Officers and Soldiers are to frequent Divine Service in Places appointed; abſenting, or behaving indecently,

to forfeit 1 *s.* for every Offence, a Soldier, and an Officer to be reprehended by a Court-Martial.

2. Sutlers in Forts, *&c.* ſelling Beer, Brandy, *&c.* during Divine Service, to be delivered over to the civil Magiſtrate.

3. Officers or Soldiers uſing any unlawful Oath, to incur the Penalties in the firſt Article.

4. Officers or Soldiers blaſpheming the Holy Trinity, or ſpeaking againſt any Article of the Chriſtian Faith, are to be delivered over to the Civil Magiſtrate, to be puniſhed according to Law.

5. Abuſing or prophaning any Place dedicated to the Worſhip of God, or offering Violence to any Chaplain, *&c.* to be liable to ſuch Penalties as ſhall be inflicted by a Court-Martial.

6. Officers or Soldiers uſing traiterous or diſrepectful Words againſt the King, Prince, *&c.* or behaving contemptuouſly towards a General or Com-

Commander in Chief, to be punished by Court-Martial.

7. If any Officer or Soldier shall excite or join in any Mutiny, he shall suffer Death; and Officers not using their utmost Endeavours to suppress a Mutiny, shall be cashiered, and Soldiers severely punished by a Court-Martial.

8. Officers or Soldiers refusing to obey Orders, to be punished with Death, or as a Court-Martial, *&c.*

9. Officer resisting a superior Officer, to be cashiered; and Soldiers striking their Officers to have corporal Punishment as a Court-Martial, *&c.*

10. Officers and Soldiers who have received Pay, or been duly listed, deserting, to be punished with Death.

11. Non-Commission Officers and Soldiers are not to leave their Companies, *&c.* and inlist themselves in any other Company, *&c.* on Pain of being reputed Deserters, *&c.*

12. Perſwading a Soldier to deſert, to ſuffer ſuch Puniſhment as ſhall be inflicted by a Court-Martial.

13. Officer or Soldier committed to Priſon, breaking thence, to be puniſhed as a Deſerter: And an Officer under Arreſt, leaving his Confinement before he is ſet at Liberty, is to be caſhiered.

14. Officers or Soldiers running away before an Enemy, or ſhamefully abandoning any Poſt, Guard, *&c.* or after Victory quitting their Poſts for Plunder, to ſuffer Death, or as a Court-Martial, *&c.*

15. Publick Stores in the Enemies Camp, Towns, *&c.* to be ſecured for his Majeſty's Service.

16. Officers or Soldiers accuſed of any capital Crime, Violence, *&c.* are to be delivered over to the Civil Magiſtrate, except in *Gibraltar*, *Minorca*, *&c.* where we have no Form of Civil Judicature.

17. Com-

17. Commiſſion-Officers of every Regiment, by Appointment of their Colonel, *&c.* to hold Regimental Courts Martial for puniſhing Crimes and Diſorders; and the Court to conſiſt of five Commiſſion Officers.

18. If any Officer is wronged by his Colonel, or the commanding Officer, he is to complain to the General; and if any inferiour Officer, or Soldier be wronged, he ſhall be redreſſed by the Officer commanding the Regiment, at a Regimental Court-Martial.

19. No Officer or Soldier ſhall uſe reproachful Speeches or Geſtures to another on Pain of Impriſonment. And Officers ſending Challenges to others are to be caſhiered, and Soldiers ſuffer ſevere corporal Puniſhment. Officers have Power to quell Quarrels, Diſorders, *&c.* committed by Perſons of another Company.

20. A General Court-Martial is to conſiſt of thirteen Commiſſion Officers, and the Preſident not to be

under the Degree of a Field-Officer, or the then Commander in Chief. And the ſeveral Members are to take an Oath; all Witneſſes to be examined on Oath, *&c.* and a Majority of Officers to give Sentence.

21. Non-Commiſſion-Officers and Soldiers, at the Time of their inliſting, to take an Oath before a Juſtice of Peace, That they will ſerve the King faithfully in Defence of his Perſon, Crown, *&c.*

22. Officers making falſe Muſters, to be caſhiered; and where Officers or Soldiers are abſent by Reaſon of Sickneſs, *&c.* or by Furlow, the Commanding Officer is to produce Certificates of Abſence, *&c.*

23. No Non-Commiſſion-Officer or Soldier, ſhall by Leave of his Captain, be abſent from his Quarters above twenty Days in ſix Months.

24. Commiſſions granted to be entered in the Books of the Secretary at War.

25. No Commiſſion-Officer to be caſhiered, but by Order from the King, or a General Court-Martial; but Non-Commiſſion-Officers may be diſcharged, or reduced to ſerve as private Men, by a Regimental Court-Martial.

26. No Non-Commiſſion-Officer, or Soldier belonging to the Guards, ſhall keep any Kind of Publick-houſe or Shop for ſelling Liquors, Victuals, *&c.*

27. Suttlers in Garriſons, *&c.* not to ſell any Kind of Liquors, *&c.* or keep open Houſe after nine a Clock at Night, or before the beating of the Reveilles in the Morning.

28. Officers and Soldiers to behave orderly in Quarters, and not to commit any Waſte or Spoil in Parks, Warrens, Cornfields, *&c.* on Marches, unleſs to annoy Rebels, on Pain of Puniſhment by a Court-Martial.

29. Officers not to demand Billets for quartering more than their effective Men, nor take Money for freeing Landlords from quartering, on Pain of being caſhiered.

30. Officers to ſee their Quarters paid, *&c.* See *Quartering of Soldiers*, &c.

31. On Marches Officers are to apply to proper Magiſtrates for Carriages, and to pay for them, not abuſe Wagoners, *&c.*

32. Officers commanding in Garriſons, Quarters, *&c.* to keep good Orders, and redreſs Abuſes and Diſorders, by making Reparation to the Parties injured; or they ſhall be puniſhed by a Court-Martial as if they had committed the Crimes.

33. No Officer or Soldier ſhall lie out of his Camp, or Quarters without Leave; and every Soldier ſhall repair to his Quarters at beating the Retreat, *&c.*

34. If

34. If any Officer ſhall be found drunk on his Guard, he ſhall be caſhiered; and a Non-Commiſſion-Officer or Soldier, to ride the Wooden-Horſe, *&c.*

35. If any Centinel quit his Poſt, before he is relieved, or be found at Sleep, he ſhall run the Gauntlet, by Order of a Regimental Court-Martial.

36. No Soldier in the Guards to hire others to do their Duty, or be excuſed, but in Caſes of Sickneſs, Leave, *&c.*

37. Officers or Soldiers are not to fire Arms, draw Swords, or to make Alarms in Camps or Quarters.

38. Offenders committed, to be puniſhed by a Regimental Court-Martial, in eight Days, that they may not be too long hindered from their Duty.

39. Soldiers making known the Watch-Word, or giving other Word on Guard or the Patrole than the Watch-Word, to be puniſhed.

40. Officers, Store-keepers, *&c.* imbezilling, or ſelling Stores, to be caſhiered; and Soldiers ſelling Ammunition, *&c.* to run the Gauntlet.

41. Every Non-Commiſſion-Officer, and Soldier of Horſe, Dragoons, *&c.* who ſhall ſell, loſe, or ſpoil their Horſes, Arms, Cloths, *&c.* ſhall be ſubject to a Weekly Stoppage, not exceeding one half of their Pay, and be farther puniſhed, *&c.*

42. No Officer on the Guard, or Provoſt-Martial, ſhall refuſe to receive and keep any Priſoner committed, nor ſhall releaſe him without Orders, permit an Eſcape, *&c.*

43. When any Commiſſion-Officer ſhall happen to die, or be killed in the Service, the Major of the Regiment ſhall ſecure his Effects, *&c.* and Captains are to take Account of what Soldiers die poſſeſſed of, over and above Regimental Cloths, *&c.*

44. If

44. If any Officer or Soldier is accuſed, of any Offence againſt the Perſon or Eſtate of another, puniſhable by the Civil Courts; ſuch Offender ſhall not be tried by a Court-Martial, unleſs at the Deſire of the Perſon injured, *&c.*

45. Officers of the Guards are to hold Courts Martial, and take Rank according to their Commiſſions; and in Diſputes between Officers and Soldiers of the Guards and other Troops, *&c.* the Courts Martial to be equally compoſed of Officers belonging to the Parties complaining, and complained of, and the Preſident to be ordered by Turns. Brevet Officers to take Place in Courts Martial, and Detachments according to the Ranks given them in their Brevets, but not in their Regiments. The eldeſt Officer in Commiſſion, to command the whole on Marches, in Quarters, *&c.*

46. Theſe

46. These Articles are to be read at the Head of every Regiment, Troop and Company, once every two Months, *&c.*

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